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# The guns-for-drugs trade: implications for U.S. foreign policy

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# NAVAL POSTGRADUATE SCHOOL MONTEREY, CALIFORNIA



## THESIS

4476

THE GUNS-FOR-DRUGS TRADE:  
IMPLICATIONS FOR U.S.  
FOREIGN POLICY

BY  
ERADIO E. URESTI  
DECEMBER 1991

THESIS ADVISOR: SCOTT D. TOLLEFSON

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T258641



REPORT DOCUMENTATION PAGE

1a. REPORT SECURITY CLASSIFICATION UNCLASSIFIED			1b. RESTRICTIVE MARKINGS		
2a. SECURITY CLASSIFICATION AUTHORITY			3. DISTRIBUTION/ AVAILABILITY OF REPORT Approved for public release; distribution unlimited		
2b. DECLASSIFICATION/DOWNGRADING SCHEDULE					
4. PERFORMING ORGANIZATION REPORT NUMBER(S)			5. MONITORING ORGANIZATION REPORT NUMBER(S)		
6a. NAME OF PERFORMING ORGANIZATION NAVAL POSTGRADUATE SCHOOL		6b. OFFICE SYMBOL 38 (If Applicable)	7a. NAME OF MONITORING ORGANIZATION		
6c. ADDRESS (city, state, and ZIP code) Monterey, CA 93943-5100			7b. ADDRESS (city, state, and ZIP code)		
8a. NAME OF FUNDING/SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (If Applicable)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER		
8c. ADDRESS (city, state, and ZIP code)			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
11. TITLE (Include Security Classification)  THE GUNS-FOR-DRUGS TRADE: IMPLICATIONS FOR U.S. FOREIGN POLICY					
12. PERSONAL AUTHOR(S) ERADIO E. URESTI					
13a. TYPE OF REPORT Thesis		13b. TIME COVERED JUL 90 TO DEC 91	14. DATE OF REPORT (year, month, day) 91 December 19		15. PAGE COUNT 81
16. SUPPLEMENTARY NOTATION The views expressed in this thesis are those of the author and do not necessarily reflect the official policy or position of the Department of Defense or the U.S. Government					
17. COSATI CODES			18. SUBJECT TERMS (continue on reverse if necessary and identify by block number)  Firearms Trafficking, Drug Trafficking, U.S./Latin America		
FIELD	GROUP	SUBGROUP			
19. ABSTRACT (Continue on reverse if necessary and identify by block number) This thesis is a comprehensive study of the relationship between weapons and narcotics trafficking - a phenomenon referred to as the "guns-for-drugs trade." It specifically focuses on trafficking that occurs throughout the United States and Latin America. The thesis identifies the actors, motivating factors, types of weapons, methods of smuggling, systems-dynamics, implications and prevalent problems found in combatting the trade. Several options are offered for U.S. strategy which include neglecting the problem altogether, increasing interdiction efforts, passing stricter laws and harsher penalties, increasing intergovernmental cooperation and bolstering cooperation among law enforcement agencies, both foreign and domestic. The thesis concludes that viable solutions must address both U.S. domestic and Latin American concerns and apply lessons learned during the drug wars.					
20. DISTRIBUTION/AVAILABILITY OF ABSTRACT (X) UNCLASSIFIED/UNLIMITED ( ) SAME AS RPT. ( ) DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION UNCLASSIFIED		
22a. NAME OF RESPONSIBLE INDIVIDUAL SCOTT D. TOLLEFSON			22b. TELEPHONE (Include Area Code) 408-646-2863		22c. OFFICE SYMBOL NS/To

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**The Guns-for-Drugs Trade:  
Implications for U.S. Foreign Policy**

by

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Submitted in partial fulfillment of the requirements  
for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY  
AFFAIRS**

from the

**NAVAL POSTGRADUATE SCHOOL**  
December 1991

## ABSTRACT

This thesis is a comprehensive study of the relationship between weapons and narcotics trafficking-a phenomenon referred to as the "guns-for-drugs trade." It focuses on trafficking that occurs throughout the United States and Latin America. The thesis identifies the actors, motivating factors, types of weapons, methods of smuggling, systems dynamics, implications and prevalent problems found in combatting the trade.

Several options are offered for U.S. policy which include neglecting the problem altogether, increasing interdiction efforts, passing stricter laws and harsher penalties, increasing intergovernmental cooperation and bolstering cooperation among law enforcement agencies, both foreign and domestic. In conclusion, the thesis proposes that any solution should address both U.S. and Latin American concerns, emphasize cooperation, and apply lessons learned during the drug wars.

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## I. INTRODUCTION

During the 1980's, the U.S. government realized that the international traffic of illegal narcotics posed a serious threat to the national security of the country. In 1982, President Ronald Reagan declared a "war on drugs" and serious efforts were undertaken to combat the drug problem. The problem had become so serious that the U.S. military was ordered to participate in interdiction efforts and provide greater support to civilian enforcement programs.

In spite of military support, it is estimated that only 3% to 10% of all incoming narcotics shipments are intercepted.<sup>1</sup> U.S. efforts have not succeeded in impeding the flow of drugs into the country, as evidenced by the stability of cocaine prices and the decline in the cost of heroin.<sup>2</sup> The current cost of cocaine remains at an average of \$100.00 per gram--where it was in 1982.<sup>3</sup> According to various reports, international production of coca (raw material used for cocaine), opium (the basic form from which heroin is derived) and marijuana have increased drastically. An International Criminal Police Organization (Interpol) report, released in December 1990, claimed that in Peru, production of coca had risen from 150,000 tons of paste in 1985 to 275,000 tons in 1990. During the same time period, production has risen from 100,000 tons to 175,000 tons in Bolivia and from 25,000 tons to 70,000 tons in Columbia.<sup>4</sup> The report also claims that narcotics trafficking activity has increased in the surrounding countries of Brazil, Ecuador and Venezuela. After almost a decade of combatting the drug war, the United States and the international communities seem to have lost ground against an ever-growing drug trade.

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<sup>1</sup> Donald J. Mabry, Ed., *The Latin American Narcotics Trade and U.S. National Security*, (New York: Greenwood Press, 1989), p. 47.

<sup>2</sup> David Lewis, "Special Assignment: Law and Order," *CNN*, 5 June 1991.

<sup>3</sup> John Dillin, "U.S. Wasting Funds in Drug Effort," *The Christian Science Monitor*, 12 June 1991.

<sup>4</sup> "Interpol Confirms Relocation of Trade," *Latin American Weekly Report*, 20 December 1990.

In recent years, the increase in the narcotics trade has had an apparent parallel effect on the amount of small arms being transferred throughout the globe. This has never been more vividly depicted than through the staggering amount of drug-related violence experienced worldwide, especially in the United States and Colombia. This increased violence has brought attention to a relatively new phenomenon directly connected to the drug trade--"guns for drugs."

Although the guns for drugs trade is not a new phenomenon, increased violence in the U.S. and Latin American cities have caused authorities to devote more attention to this growing problem. Authorities are becoming concerned with the increasing amounts of firearms utilized in drug-related activity. Not only is the number of weapons increasing, but so is the sophistication and lethality of such weapons. These weapons seem to be readily available to violent groups everywhere, and the authorities are pointing their finger towards the link between weapons traffickers and drug traffickers.

This thesis will analyze the phenomenon known as the "guns-for-drugs trade" by examining the following: the motivating factors behind the guns for drugs trade, the types of weapons being utilized, dynamics of the system, the actors involved, and the major problems confronted in combatting this activity. This thesis will also offer and examine several options for U.S. policy in confronting this growing problem. It is important to note that the guns for drugs trade is an international problem, occurring throughout the various regions of the world. Especially noteworthy are the regions of the Middle East, Southeast Asia, Latin America and the United States. Due to the scope of this issue, this paper will only focus on activity in the United States and Latin America.

## II. OVERVIEW OF THE PROBLEM

There is increasing evidence indicating that international networks have been established to facilitate the guns-for-drugs trade. Traffickers are becoming increasingly sophisticated and organized. According to the 1990 annual report published by the International Narcotics Control Board (INCB), a United Nations agency, narcotics traffickers now often link up with one another as well as with organized crime syndicates, terrorist groups and guerrillas.<sup>5</sup> The INCB first drew attention to the guns-for-drugs trade when it reported in January 1987 that drug trafficking was becoming increasingly interconnected with other criminal activities such as weapons trafficking, subversion and terrorism.<sup>6</sup> The U.S. concern is that while drugs are being imported into the country, weapons are being exported out of the country. These weapons are usually destined for some of the most violent regions of the world, most notably Latin America.

Another concern is that this phenomenon has led to drastic increases in lethal violence throughout the U.S. The relationship between guns and drugs has turned many U.S. city streets into battlefields. According to a Federal Bureau of Investigations (FBI) report, in the first six months of 1990, the number of murders in cities with 100,000 people or more grew 8% over the same period the year before.<sup>7</sup> The sharp increase is being attributed to the growing drug problem and the increased availability of firearms. Gangs are becoming increasingly involved in narcotics trafficking which provides them the funds necessary to purchase more guns.<sup>8</sup> Switchblades and Saturday-Night-Specials (nickname for small calibre revolvers) are being replaced by automatic and semi-automatic military-type weapons such as Uzis. The Center for

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<sup>5</sup> Lucia Mouat, "Drug Traffickers Link Up in 1990," *The Christian Science Monitor*, 9 January 1991.

<sup>6</sup> Elaine Sciolino, "U.N. Report Links Drugs, Arms Traffic, and Terror," *The Christian Science Monitor*, 23 January 1987.

<sup>7</sup> Scott Armstrong, "Murder Rate Is Rising in the U.S.," *The Christian Science Monitor*, 18 December 1990.

<sup>8</sup> *Ibid.*, p. 2.

Disease Control in Atlanta, Georgia, released a 1990 report claiming that shootings accounted for 95% of the increase in homicides from 1984 to 1987.<sup>9</sup> Figures for 1990 are not yet available. In the competitive world of the drug trade, rivals are willing to pay in blood for a share of the market.

Drug cartels and narco-guerrillas have turned many countries in Latin America, such as Colombia and Peru, into war zones. In 1989, in the city of Medellin, Colombia, 10 people were killed every 24 hours, giving the city a per capita homicide rate nearly nine times that of New York.<sup>10</sup> In 1990, the rate increased to 12 people every 24 hours.<sup>11</sup> According to U.S. State Department Reports, Colombia and Peru have maintained the highest levels of violence in the world.<sup>12</sup> The majority of killings in Colombia, including those of presidential candidates have been attributed to drug-related organizations - cartels. The drug cartels went as far as to formally declare "total and absolute war on the government" of Colombia.<sup>13</sup>

Due to its criminal nature, the drug trade promotes violence. Weapons are the means for obtaining and projecting power. They are needed to protect or expand operations. The guns-for-drugs trade conveniently provides violent groups with a reliable source of weapons.

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<sup>9</sup> Eloise Salholz and Gregory Cerio, "Short Lives, Bloody Deaths," *Newsweek*, 17 December 1990, p. 33.

<sup>10</sup> Joseph Contreras, "Anarchy in Colombia," *Newsweek*, 11 September 1989, p. 30.

<sup>11</sup> Douglas Farah, "In Medellin, Teenagers on Frontline of Violence," *The Washington Post*, 7 October 1990.

<sup>12</sup> "Death Toll," *Latin American Regional Reports: Andean Group*, 2 March 1989, p. 11.

<sup>13</sup> Joseph Contreras, "Anarchy in Colombia," *Newsweek*, 11 September 1989, p. 30.

### III. DYNAMICS OF THE GUNS-FOR-DRUGS TRADE

The phrase, "guns for drugs", suggests that this activity is primarily based on a barter relationship. Although this is a frequent occurrence and the number of cases is growing, the most common examples involve individuals selling drugs to make a profit, and with that profit, they in turn buy weapons. These weapons are either utilized by the purchaser or are subsequently resold for further profit.

The operation can be compared to that of a truck driver delivering merchandise.<sup>14</sup> The driver reaches his destination and unloads his cargo. However, to make the trip more profitable, the driver has his truck loaded with another type of product for his return trip. Instead of returning to his point of origin empty-handed, he increases his profit margin by delivering a return cargo. In the guns-for-drugs trade, both guns and drugs are considered valuable commodities. The Latin American drug trafficker exports drugs to the United States, and on his return trip he brings back a cache of weapons.

#### A. THE SYSTEMS

There are two distinct systems in the guns for drugs trade. The first is on an international level and is characterized by networks of traffickers dealing in the international markets of guns and drugs. The aforementioned example of the truck driver provides a general description of the process.

The second system has evolved within the borders of the United States. This domestic traffic of guns for drugs is conducted through interstate networks. This is largely due to the unequal gun laws among the states. As a result, drug traffickers cross state borders to sell narcotics and obtain weapons in states where gun laws are lax. Drug traffickers will often travel from areas where gun control laws are strict such

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<sup>14</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony by William B. Rosenblatt, U.S. Customs Service, 101st Congress, 1st Session, 31 October 1989, p. 55.

as New York or Washington D.C., to states such as Texas and Florida where laws are lax and weapons are easy to obtain.<sup>15</sup>

It is important to note that both the international and domestic systems interact closely with each other. A cartel member may deliver a shipment of drugs to a recipient group in New York. Prior to or after his arrival, the recipient group sends couriers to obtain weapons in other states so as to provide the cartel member with weapons to take back on his return trip. The weapons are oftentimes used as full or partial payment for the shipment of drugs. It is also common to send weapons back to the drug supplier as a sign of trust and good faith.<sup>16</sup>

## **B. MOTIVATING FACTORS**

There are five basic motivating factors behind the guns-for-drugs trade. These factors include the following: economic gain, security/protection, logistical support, political influence, and prestige. Economic gain is by far the most prevalent factor involved in the guns-for-drug trade. Given that both guns and drugs are considered commodities, their traffic can be highly profitable. Weapons purchased in states with lax gun laws can be resold for a 300%-400% profit in states with stricter gun laws.<sup>17</sup> This also holds true for weapons sold in Latin America. In Japan, a \$49 handgun purchased in the United States can bring in a

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<sup>15</sup> Larry Rohter, "From Brazil to Peru Gun Smugglers Flock to Florida," *The New York Times*, 11 August 1991.

<sup>16</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony by Dr. Edward C. Ezell, p. 67-71.

<sup>17</sup> "Lax Laws, Drug Trade Make Florida Tops in Gun Exports," *The St Petersburg Times*, 22 May 1988. p. 11B.

profit of about \$1000.<sup>18</sup> In some cases governments may even participate in the guns-for-drugs trade for purposes of obtaining hard currency.<sup>19</sup>

Another motivation, which is linked to economic gain, is that of security. Whether on the domestic level or international level, drug trafficking sparks fierce, violent competition. In an effort to protect their investments and themselves, drug dealers purchase the latest weaponry available with the highest amount of firepower. Sophisticated weaponry also gives drug gangs the upper hand in offensive operations conducted to put their competition out of business.

A third factor in the guns-for-drugs trade is that of logistical support. This is related to economic gain, but differentiated by specific objectives of the actors involved. This category encompasses those groups known as narco- guerrillas or narco-terrorists (these terms are loosely used for a wide variety of groups). For purposes of this paper, these groups will be identified with the traditional definition of terrorists and guerrillas, but with the additional characteristic that they actively participate in the drug trade. Their violent actions are primarily conducted for purposes of carrying out their political objectives and not for purposes of enhancing narcotics operations, although this may happen on occasions. Their involvement in the trade is primarily for purposes of obtaining supplies, weapons and funds.<sup>20</sup>

There are many regions of the world, including Latin America, where violent conflict is occurring. The causes of this conflict are of a political nature, and the conflicts themselves are just short of civil wars. Due to the drop in support from Eastern Bloc countries, guerrillas and terrorists often find it necessary to resort to an alternative means to finance their insurgency effort. Given that drugs are readily available and

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<sup>18</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, (Springfield, Illinois: Charles C. Thomas Publisher, 1989), p. 134.

<sup>19</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony by Edward C. Ezell, p. 74.

<sup>20</sup> Scott B. MacDonald, *Dancing on a Volcano: The Latin American Drug Trade*, (New York: Praeger Publishers, 1988), Chapters 3 and 4.

highly profitable, guerrillas and terrorists will often participate in the drug trade in an effort to obtain needed supplies and weapons. Some of the most noteworthy groups in Latin America are the Revolutionary Armed Forces of Colombia (FARC), the 19th of April Movement (M-19) of Colombia, and the Sendero Luminoso of Peru.<sup>21</sup> It is important to note that most M-19 members have surrendered their weapons in order to participate in the Colombian democratic process. However, dissident groups of the M-19 continue to participate in armed conflict against the government.<sup>22</sup>

A fourth motivation in the guns-for-drugs trade is characterized by political influence and/or strategic purposes. In the past, several countries have been reportedly involved in the guns-for-drugs trade, including (but not limited to) Cuba, Panama, Bulgaria, Syria, the Soviet Union, Nicaragua, and the United States. This activity was often conducted to help support insurgency groups or terrorists. Some countries such as Cuba, the Soviet Union and others in the Eastern Bloc engaged in the guns-for-drugs trade for strategic purposes against the West. The objective of these countries was to undermine and destabilize the Western societies through drugs.<sup>23</sup> They provided direct assistance or support to drug cartels shipping narcotics to the United States and Europe. They also provided weapons to many of the violent drug-related groups such as cartels, narco-terrorists and narco-guerrillas.<sup>24</sup> In some cases, these countries believed that they could gain political influence through the guns-for-drugs trade. According to testimony provided in February 1988, Jose Bandon, a high ranking member of former dictator Noriega's staff, Castro believed

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<sup>21</sup> Ibid.

<sup>22</sup> William R. Long, A Guerrilla in the Cabinet: The New Politics of Colombia, *The Los Angeles Times*, 21 August 1990, p. H2.

<sup>23</sup> Mark A. Franz, "The Continuing War," *Global Affairs*, Winter 1991, pp. 176-181.

<sup>24</sup> Scott B. McDonald, *Dancing on a Volcano: The Latin American Drug Trade*, pp. 133-141.

that "if you want to have influence on Colombia's political world, you have to have an influence on the drug trafficking world too."<sup>25</sup>

The last of the motivating factors is prestige. In the "new gun culture" of big cities, young men are obtaining weapons as a sign of manhood. With easier access to weapons by way of the drug trade, teenagers are adopting weapons as status symbols.<sup>26</sup> According to Bureau of Alcohol, Tobacco and Firearms (ATF or BATF) Deputy Director Phillip McGuire, "there's a machismo to carrying the biggest, ugliest and most powerful weapon available."<sup>27</sup> This attitude has resulted in dramatic increases in adolescent deaths. This same violent attitude towards guns has been seen for a long time in the streets of Colombia, where in many barrios, obtaining a firearm is the first sign of manhood. Many drug cartel hitmen involved in assassination attempts are mere teenagers.<sup>28</sup>

In general, the drug business is highly profitable and this leads to fierce competition. This competition often erupts into violence and as the stakes increase, so does the violence. As the violence increases, the demand for greater numbers of more sophisticated and powerful weapons also increases. Violence spurs the demand for weapons, and the greater number of more lethal weapons promotes further violence, thus continuing the vicious cycle that characterizes the relationship of guns for drugs.

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<sup>25</sup> Bradley Graham, "Impact of Colombian Traffickers Spreads," *The Washington Post*, 24 February 1988, p. A22.

<sup>26</sup> "Every Other 14 Year-Old, Armed," *The New York Times*, 10 November 1990, p. A22.

<sup>27</sup> Gordon Witkin, "The Arms Race in Your Own Backyard," *U.S. News and World Report*, 4 April 88, pp. 24-25.

<sup>28</sup> Douglas Farah, "In Medellin, Teenagers on Frontlines of Violence," *The Washington Post*, 7 October 1990.

### C. SUPPLY VS. DEMAND

Unlike the arms transfers of more sophisticated weapons, the enormous numbers of suppliers on both the international and domestic levels makes the purchase of small arms a buyer's market. There are several reasons for this. According to Jess B. Guy, Resident Agent in Charge of the San Jose, California field office of the Bureau of Alcohol Tobacco and Firearms (ATF), there are approximately four million firearms produced each year by over 800 manufacturers located in the United States.<sup>29</sup> This does not include a similar number of businesses engaged in importing firearms that are made in other countries. There are also more than 270,000 licensed firearms dealers within the United States.<sup>30</sup> Arms manufactured in the United States are usually the easiest to obtain, are relatively inexpensive to buy, are of better quality, and offer the greatest variety of choices for recipients.<sup>31</sup> The easy access and abundant supply of small arms is one reason why the drug cartels or mafias have not developed their own manufacturing facilities.<sup>32</sup> There is at least one documented case in which Alberto Sicilia-Falcon, leader of a powerful drug cartel, attempted to establish a production facility in Portugal to obtain large amounts of sophisticated small arms for use in revolutionary activity in Central and South America.<sup>33</sup>

In areas where gun control laws are strict, the prices of weapons can increase by more than 300%. In these instances drug traffickers simply smuggle weapons in from places where supplies are abundant.

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<sup>29</sup> Interview with Jess B. Guy, Resident Agent in Charge, of the Bureau of Alcohol, Tobacco, and Firearms (BATF or ATF) office in San Jose, California, 5 March 1991.

<sup>30</sup> Ibid.

<sup>31</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, p. 134.

<sup>32</sup> Interview with Jess B. Guy, ATF.

<sup>33</sup> Further information can be obtained from: Congress, Senate, Committee on Government Operations, *Illicit Trafficking in Weapons and Drugs Across The United States*, 95th Congress, 1st Session, 12 January 1977.

Although many weapons found in Latin America come from the United States, a significant number of weapons originate from other sources. There have been countless conflicts in the world over the past decades and these include the conflicts in Vietnam, Cambodia, Lebanon, Angola, Afghanistan, Rhodesia, Chad, Central America and South America - just to mention a few. Each time combatants engage in conflict, supplies of weapons are funneled to the conflict by various supporting countries.

During the Cold War, this usually meant that the United States and the Western Allies supported anti-communist forces, and the Eastern Bloc supported pro-communist forces. The region in conflict would soon find itself flooded with small arms. As the conflicts were resolved in one form or another, huge surpluses of weapons were often left in the region to be dealt with by the former combatants.<sup>34</sup> These weapons were often sold on the black market or shipped to other areas in conflict to help out fellow "freedom fighters." For example, it is believed that the United States abandoned approximately one million M-16s after it left Vietnam in 1975.<sup>35</sup> Many of these weapons have been found in the hands of insurgents throughout the region of Latin America.

A similar example occurred during the disarming of the Contras in Honduras. After an agreement to cease hostilities was reached with the Sandinista regime of Nicaragua, the Contras were to turn in the large amounts of weapons they still possessed. During an official surrender of arms to United Nations forces headed by the Venezuelan Army, the Contras turned in little more than inoperable junk. The local Honduran papers even joked about the validity of the official surrender of weapons. Meanwhile, Honduran citizens were headed to the southern borders of Honduras to get good deals on weapons sold by the

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<sup>34</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by Dr. Edward C. Ezell, pp. 67-77.

<sup>35</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Statement given by Dr. James J. Baker, p. 110.

Contras.<sup>36</sup> U.S. officials have recently discovered that many of the weapons used by the Contras are now entering the resale market in the United States.<sup>37</sup>

In Latin America, several countries such as Chile, Brazil, Argentina, and now Cuba are able to manufacture their own small arms.<sup>38</sup> This is not to mention scores of other countries throughout the globe that have well-developed small arms industries. While many western states often show lapses in their ability to control exports of small arms from their own industries (sometimes intentionally--e.g., Iran-Contra affair), Eastern European manufacturers and governments have been less scrupulous, especially if it involves an opportunity to obtain hard currency. Most of these countries exhibit less control over their manufacturers than does the United States.<sup>39</sup>

Another factor that causes abundant surpluses of small arms are the rapid changes in technology, design and battlefield conditions. These changes lead to the development of new models of small arms that are more sophisticated. As the new models enter active inventory, the older obsolete models, which are still highly serviceable and effective, are put up for sale to willing buyers. These weapons can often be bought at one-tenth to one-twentieth of the original cost.<sup>40</sup> The Soviet Union and other Eastern European

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<sup>36</sup> This information was obtained from locals who boasted of buying AK-47 rifles and various pistols from disbanding contras. There were also widespread allegations during the conflict that individual citizens could obtain small arms from Contras for relatively cheap prices.

<sup>37</sup> Larry Rohter, "From Brazil to Peru Gun Smugglers Flock to Florida," *The New York Times*, 11 August 1991.

<sup>38</sup> Cuba has recently brought a small arms factory on line. The facility is producing 300 Kalashnikov automatic rifles per day. Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by Dr. Edward C. Ezell, p. 65.

<sup>39</sup> *Ibid.*, p. 74.

<sup>40</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, p. 65.

countries are in the process of dumping large numbers of older AK-47s into the marketplace as the new AKM assault rifle comes on line.

It is easy to see that with so many sources the buyer is seldom influenced by the supplier. It is only when weapons are bought on a strict countertrade (drugs for guns) basis that the supplier of weapons has a little more leverage on the buyer. Drug traffickers will readily smuggle weapons as an aside to the narcotics trade, but many weapons smugglers are not willing to deal in drugs. This is largely due to the much stiffer penalties assessed to narcotics trafficking as compared to weapons trafficking.<sup>41</sup> With fewer suppliers willing to take drugs as payment, buyers are left with fewer options. Unless they themselves turn narcotics into hard currency by selling the narcotics, the buyer of weapons must find a supplier willing to take drugs as payment.

Colombian guerrillas and terrorists often purchase guns with drugs, but not without incurred costs as the following passage shows. The information was obtained in an interview with a U.S. citizen who had been taken hostage by a FARC guerrilla group in 1983. The passage refers to the arrangement that the FARC guerrillas had with their Cuban advisers. The guerrillas provided cocaine in payment for munitions and supplies. However, it seems that the amount of assistance being provided by the Cubans had not been proportional to the amount of payment by the guerrillas:

I was in their camp when a Cuban was at a blackboard instructing some guerrillas. One of the guerrillas asked him, "What happens to all of this money? You control the drug traffic, you're taking in millions of dollars, and I don't see any money in our camp. You just give us bare necessities. We get food, clothes, and shells for our rifles and we get nothing else." The Cuban adviser answered, "one half of the money is being sent to El Salvador. We are liberating El Salvador. When El Salvador is liberated, then we will turn around and use the economies of El Salvador, Nicaragua and Cuba to funnel funds into Colombia and help you, so we can overthrow the government here."<sup>42</sup>

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<sup>41</sup> Interview with Jess B. Guy, ATF.

<sup>42</sup> Joseph Douglas Jr., "Drug Trafficking and the Castros," *Global Affairs*, Winter 1991, pp. 161-179.

It is obvious that the guerrillas were frustrated with this type of dependency arrangement. The amount of influence enjoyed by the Cubans due to this type of arrangement is difficult to determine. It is also hard to establish whether the FARC at this time had enough connections to sell the cocaine out on the open market. This less-than-pleasing arrangement may have led the guerrillas to become more directly involved in the actual processing and marketing of narcotics.

In their early involvement in the drug trade, the guerrillas cooperated closely with the cartels. The guerrillas provided security, while the cartels processed and marketed the product. As time has passed, the guerrillas have taken a more independent role in the drug trade, causing this relationship between cartels and guerrillas to turn bitter in many instances, as guerrilla groups have become more directly involved in the cultivation, processing and trafficking of cocaine.<sup>43</sup> On occasion, raids and robberies have been carried out by the guerrillas against the cartels. The FARC, especially, has become a fierce competitor with the cartels. It is no wonder that the cartels now organize and support many right-wing paramilitary groups to fight the guerrillas.<sup>44</sup>

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<sup>43</sup> "Doubt Over FARC's Peace Commitment," *Latin American Regional Reports: Andean Group*, 18 May 1989, p. 3.

<sup>44</sup> "Colombia Acts Against Private Armies," *Latin American Regional Reports: Andean Group*, 22 June 1989, p. 4. "Colombia's Extreme Right Forms Party," *Latin American Regional Reports: Andean Group*, 7 August 89.

#### IV. WEAPONS, SOURCES, AND SMUGGLING TECHNIQUES

##### A. PREFERRED WEAPONS

According to Mike Kuntz, Special Agent of the U.S. Drug Enforcement Administration (DEA), the connection between guns and drugs is growing as evidenced by greater numbers of drug dealers who are carrying more sophisticated and lethal weapons. In fact, the incidence of guns and drugs is so high that many DEA field offices are now being supplemented with ATF agents.<sup>45</sup> ATF agents are encountering all types of firearms out on the streets. Those most closely associated in the guns-for-drugs trade are usually high capacity (refers to the number of bullets it can hold), automatic or semi-automatic, assault rifles, pistols and shotguns. These weapons are generally characterized by the capacity to hold large amounts of ammunition and rapid successive rates of fire. Some of the more popular models are listed in Table I.

TABLE I  
PREFERRED TYPES OF FIREARMS IN THE GUNS-FOR-DRUGS TRADE

(AK SERIES)	TEC-9
UZI	MINI-14
GALIL	HK 91 & 93
BERETTA AR-70	M-16
MAC 10	G-3
MAC 11	STEYR-AUG
AR/CAR 15	SKS
FN-FAL	STRYKER-12 (12 GA/12 SHOT)
	ALL SEMI-AUTO PISTOLS AND REVOLVERS

Source: Congress, House, Select Committee On Narcotics Abuse and Control, *The Flow of Precursor Chemicals and Assault Weapons from the United States into the Andean Nations*, 101st Congress, 1st Session, 1 November 1989, pp. 228-263.

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<sup>45</sup> Interview with Mike Kuntz, Special Agent, DEA, 15 February 1991.

Also included in the small arms categories are grenades, explosives, rocket launchers and assorted specialized equipment. The assorted specialized equipment includes such items as silencers, bullet proof vests and night vision devices. Attempts have also been made to acquire anti-aircraft missiles.

The prices of these weapons fluctuate according to availability and make. In Central or South America, where the market is flooded with military type weapons such as AK-47s, they can cost as low as \$100 depending on the condition.<sup>46</sup> However, rarer U.S. weapons of better quality may go for three times as much as the retail value in the United States. In New York where gun control is strict and the demand for weapons is high, the same AK-47 may cost over \$1000.<sup>47</sup>

## **B. SOURCES OF WEAPONS**

This section examines the various sources of the weapons involved in the guns for drugs trade. Examples of these sources can be seen in specific cases examined in later sections of this paper.

There are seven basic sources of weapons involved in the guns-for-drugs trade. The first involves the pilferage or theft of arms from military and police supply facilities and private households. Even in the First World countries, where accounting measures are much more sophisticated, losses from military or police storage centers is a continuing problem. In lesser developed countries, where graft and corruption are commonplace, the problem is even more profound. This source accounts in part for the more sophisticated weapons found in the guns-for-drugs trade such as explosives, rocket launchers, specialized equipment

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<sup>46</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, statement given by Dr. James J. Baker, p. 111.

<sup>47</sup> "Every Other 14 Year Old, Armed," *The New York Times*, 10 November 1990, p. A22.

and fully automatic machine guns.<sup>48</sup> In the United States, the greatest problems are found in National Guard and Reserve armories as well as police evidence storage facilities.

A recent DEA investigation revealed that firearms were being purchased from servicemen who stole firearms from their base in California. Several types of weapons were allegedly obtained, including grenades, grenade launchers, and M-16 assault rifles. The weapons were destined for Mexico.<sup>49</sup>

The burglary of homes, gun shops, and sporting goods is also a popular source of firearms. Past studies have shown that of the felons sampled, 32% obtained firearms through theft.<sup>50</sup> Of those who admitted to stealing guns, 90% acknowledged having sold or traded stolen guns in the past, and 40% admitted selling stolen guns to their drug dealers.<sup>51</sup> Street gangs often target homes and gun shops for purposes of obtaining firearms.<sup>52</sup> Criminal organizations often establish fencing operations to obtain large numbers of firearms.

The third source of small arms involves the military or political organizations of foreign powers. Clandestine transfers of weapons to freedom fighters, insurgency groups, terrorists and even drug traffickers is a common occurrence. Countries such as Cuba, Bulgaria, Syria, Libya, Panama and even the United States have been implicated on several occasions of being involved with the guns-for-drugs trade. The aforementioned countries are just a small sample of those countries involved; there are many others

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<sup>48</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by Dr. Edward C. Ezell, pp.67-76.

<sup>49</sup> *International Traffick in Arms 1990 Annual Report*, (Bureau of Alcohol, Tobacco and Firearms, 1991), p. 11.

<sup>50</sup> James Wright and Peter Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, (New York, New York: Aldine de Gruyter, 1986), Chapter 9.

<sup>51</sup> Ibid.

<sup>52</sup> Interview with Dan Villareal, Juvenile Probation Officer, Monterrey County, California, 9 October 1991. Mr. Villareal handles juvenile gang members.

throughout all regions of the world. This source of weapons is also partly responsible for the more sophisticated military-type weapons that fall into the hands of drug traffickers.<sup>53</sup>

A fourth source is that of arms purchased on the international black market. Highly organized and well-financed criminal organizations are willing to pay top dollar for desired weapons. As a result, profit-hungry individuals are willing to take the usually low risks to provide such firearms. Some manufacturers are willing to turn a blind eye to an "end-use certificate" of questionable authenticity in order to secure a major sale. The end-use certificate provides pertinent data as to who the buyer is and what is the intended use of the purchase. A most recent example of this has implicated Israel Military Industries (IMI) in a sale of firearms that eventually ended up in the hands of a top Colombian drug trafficker. (This case will be examined in a later section of this paper.) Governments are also willing to sell weapons to buyers who can provide much needed hard currency.<sup>54</sup> This often occurs in Cuba and some of the Eastern Bloc countries, and includes the Soviet Union.<sup>55</sup>

The fifth source of weapons comes from legally purchased firearms that are diverted towards illegal activities. This refers to the over-the-counter purchases of firearms in the United States and other countries that eventually make their way to drug-oriented criminal elements.<sup>56</sup> A commonly used method by organized crime and drug cartels to obtain weapons is to send an individual to various gun shops to buy one weapon at each shop so as not to arouse suspicion. Laws do differ from state to state and in some instances background checks are required. The cartels circumvent the system by targeting those states with lax laws. As a result, Cartels will recruit individuals (preferably without criminal records) to make the

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<sup>53</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by Dr. Edward C. Ezell, pp. 67-76.

<sup>54</sup> Ibid.

<sup>55</sup> Mark A. Franz, "The Continuing War," *Global Affairs*, Winter 1991, pp. 177-181.

<sup>56</sup> Ibid.

purchases for them. In the case of handguns, retailers and dealers are required to notify ATF if an individual has purchased more than two handguns within five working days. ATF will then determine if an investigation is warranted. In the case of assault weapons, there is no limit to the number of weapons an individual can buy from a retailer, nor is the retailer required to notify ATF of the multiple purchases.<sup>57</sup>

A well organized ring can send ten individuals to different regions to purchase firearms from the various retailers in the area. Because the accounting of firearms records is not centralized, no one ever suspects any irregularities. An individual can easily visit five stores in an area and purchase two weapons at each store they visit. With each individual purchasing a total of ten weapons, a group of ten will have purchased a total of 100 firearms.<sup>58</sup> These firearms can come from the same stores without raising too much suspicion. It is also to the benefit of the ring organizer that these individuals not know each other. If a ring member knows the identity of other members and is apprehended by authorities, the authorities could obtain the identity of all those involved, thereby possibly destroying the entire ring.

A sixth source for arms smugglers, with even less chance of discovery, are gun shows and flea markets. These events take place in almost all major cities.<sup>59</sup> Gun shows allow the sale of new and used guns in quantity by anyone attending.<sup>60</sup> Licensed firearms dealers regularly attend these shows, keeping proper records of their sales as required by law. The problem arises when groups of unlicensed dealers infiltrate these shows to sell weapons. These groups participate in these shows on a regular basis, and they sell to willing buyers without maintaining proper records of the sales. Hundreds of firearms have been

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<sup>57</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 121-127.

<sup>58</sup> Interview with Jess B. Guy, ATF.

<sup>59</sup> Interview with Jess B. Guy, ATF.

<sup>60</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, p. 124.

recovered in foreign countries which have been traced to sellers at gun shows.<sup>61</sup> It is important to note that Federal law does not require records for the private sale of firearms between unlicensed dealers.

The last source of weapons is not as serious a problem as some of the others, but it is worth mentioning. Given that the manufacture of small arms requires low levels of technology, individuals have been able to set up small garage-type operations to manufacture firearms. For instance, during the Soviet invasion of Afghanistan, Afghan rebels were able to manufacture simpler versions of the AK-47 in village shops.<sup>62</sup> Although the AK-47 is less sophisticated than many Western assault weapons, it is considered to be just as effective and lethal. Less sophisticated firearms that do not contain special alloy or composites are readily manufactured in small shop operations.<sup>63</sup>

Jess B. Guy, Resident Agent in Charge of the San Jose office of the Bureau of Alcohol, Tobacco and Firearms (ATF), related a recent case that occurred in the San Jose area in which a resident alien of Mexican origin was apprehended for illegally manufacturing and attempting to export MAC-10 assault weapons. According to Guy, the individual used his garage, which was equipped with various pieces of machinery, to manufacture the weapons. At the time of the apprehension, the individual was preparing to ship ten of these weapons to an undisclosed location in Venezuela. According to recent reports by U.S. and Colombian authorities, Venezuela is being increasingly used as an exit and entry port for Colombian cartel drug operations.<sup>64</sup> The specific destination of the weapons was never disclosed. It is easy to imagine how wealthy crime organizations could contract these small garage-type operations to manufacture weapons. However, Guy points out that the huge supply of weapons readily available on both the open and black

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<sup>61</sup> Ibid.

<sup>62</sup> Interview with Jess B. Guy, ATF.

<sup>63</sup> Ibid.

<sup>64</sup> "Interpol Confirms Relocation of Trade," *Latin American Weekly Report*, 20 December 1990.

markets makes this option less attractive. The lack of documented cases where organized crime has actually constructed its own weapons manufacturing facilities seems to confirm this.

It is important to note that ATF traces have revealed that most weapons of U.S. origin, confiscated by Latin American authorities, come from Florida, Texas, and California. According to the DEA, these states are also the primary entry points for narcotics into the United States.<sup>65</sup> This is largely attributed to their large Latin American populations, their communication links and their proximity to Latin America.<sup>66</sup> According to U.S. officials, Mexico has become an increasingly important transshipment point for both drugs and guns.<sup>67</sup> Although legislation was recently enacted in January 1991 to stiffen gun control measures, California has had a history of not only being a popular source of weapons for Mexico, but also the Far East.<sup>68</sup>

Figures 1, 2, 3 and 4 provide revealing data on the origin and destination of U.S. weapons as well as the identity of those involved in the international trafficking of weapons. This data was compiled from 1989 and 1990 ATF investigations sponsored by its International Traffic in Arms (ITAR) program. Figure 1 provides information indicating country destination. Figure 2 provides an indication as to who the perpetrators are by providing the citizenship of those arrested. However, it is not possible to tell what the ethnic background is of those perpetrators with U.S. citizenship, nor whether they still maintain roots in destination countries. Figures 3 and 4 give an indication of where the weapons come from by providing

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<sup>65</sup> *Report to Congress: International Traffic in Arms*, (Bureau of Alcohol, Tobacco and Firearms, Firearms Division, Law Enforcement Branch, 1991), p. 9.

<sup>66</sup> Larry Rohter, "From Brazil to Peru Gun Smugglers Flock to Florida," *The New York Times*, 11 August 1991.

<sup>67</sup> *Report to Congress: International Traffic in Arms*, ATF, p. 9.

<sup>68</sup> Interview with Jess B. Guy, ATF.

the cities with the highest numbers of cases. These figures tend to support the conclusions made by U.S. officials.

### C. SMUGGLING TECHNIQUES

The methods used to smuggle firearms are as diverse as the imagination. Some are surprisingly simple, while others are rather complex. Weapons traffickers smuggle arms by land, sea and air, using well-established drug and contraband routes, most of which pass through Mexico or the Caribbean.

The following are some of the most popular methods used to smuggle firearms out of the United States. Many weapons are smuggled across the U.S. border on foot in suitcases, duffle bags and backpacks. The United States and Mexico maintain a sparsely populated border which stretches approximately 2,200 miles. Because of the inherent problems of patrolling such a vast expanse, traffickers often use illegal aliens to smuggle weapons into Mexico. It is also the policy of Mexican customs officials not to check people entering their country unless they have been alerted to do so.<sup>69</sup>

Smuggling firearms by vehicle across the U.S./Mexican border is another popular method. The multitude of cars that cross the border make it extremely difficult for customs inspectors to thoroughly inspect most vehicles. Many firearms are smuggled in concealed compartments, while others are transported in the trunks of cars.<sup>70</sup>

Some smugglers use covert flights in small aircraft. These are the same aircraft that bring drugs into the United States. Many others use commercial flights, wrapping the firearms in foil and placing them in luggage. Firearms may also be concealed in appliances such as televisions, stereos, speakers, etc. Most

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<sup>69</sup> Information on weapons smuggling by foot was obtained from *Report to Congress: International Traffic in Arms*, ATF, pp. 14, 123.

<sup>70</sup> *Ibid.*, p. 123.

are transported by air freight or as part of personal baggage. Many airlines traveling to Latin America do not routinely x-ray baggage or cargo.<sup>71</sup>

Seaborne cargo provides another popular method for smuggling firearms. This method is often used in shipments originating in Florida and destined for South America. Cargo leaving the United States is not x-rayed, and it is rarely inspected. Firearms are often concealed in large appliances such as washers, dryers, freezers, ovens etc. According to ATF officials, once the weapons reach the ports, there is little chance of an intercept by Customs or ATF.<sup>72</sup>

Other methods include using the postal service and diverting shipments by using falsified end-user certificates. This method is clearly illustrated in the following chapter under the section "Mercenaries."

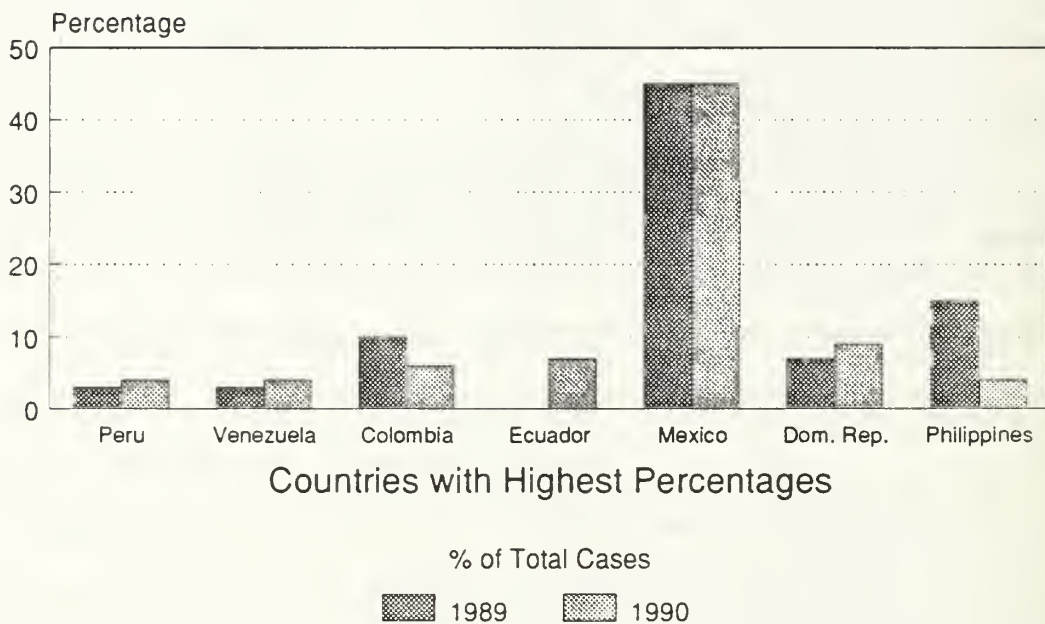
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<sup>71</sup> The majority of information on weapons smuggled by aircraft was obtained from *Report to Congress: International Traffic in Arms*, ATF, pp. 15-16, 123-124.

<sup>72</sup> Information on weapons smuggling by seaborne cargo was obtained from *Report to Congress: International Traffic in Arms*, ATF, pp. 145-146.

# ITAR INVESTIGATIONS

## COUNTRY DESTINATIONS

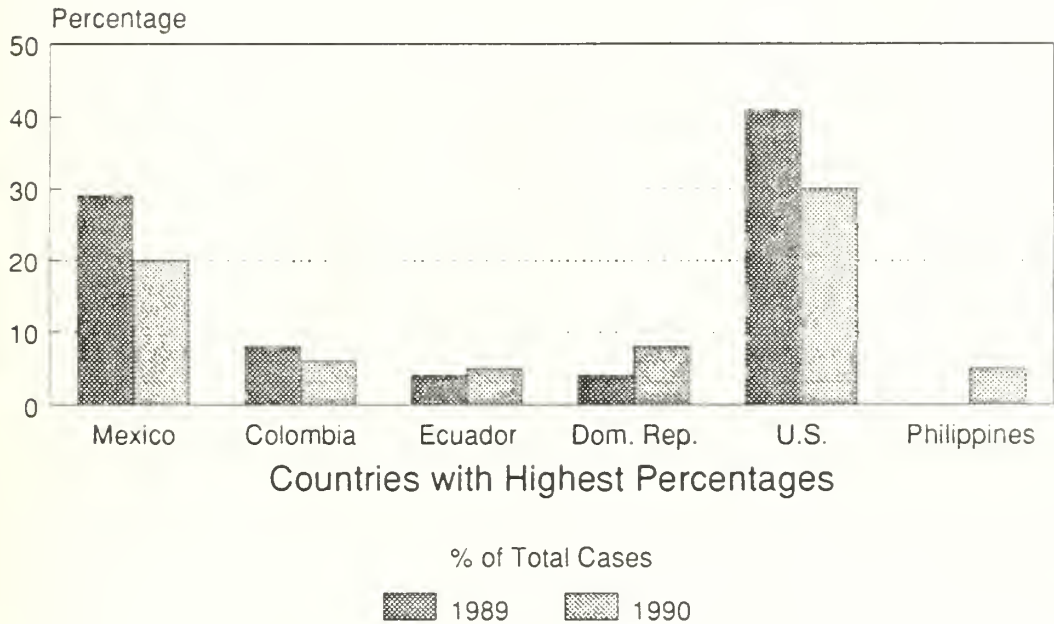


Source: ITAR 1990 Annual Report, ATF

**Figure 1. Destination of U.S.-Sourced Firearms**

# ITAR INVESTIGATIONS

## COUNTRY CITIZENSHIP

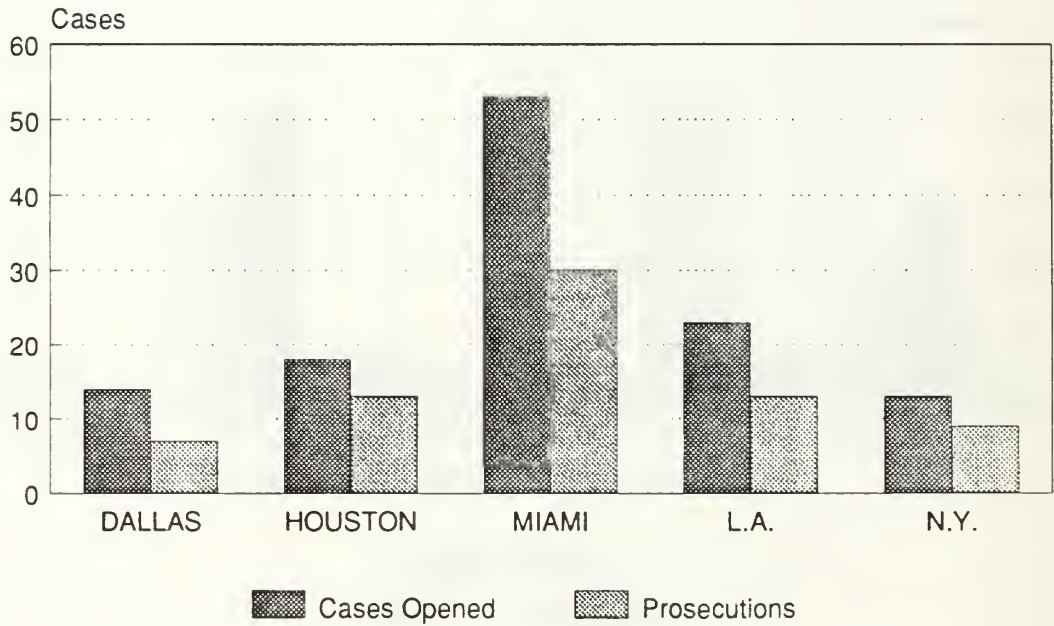


Source: ITAR 1990 Annual Report, ATF

Figure 2. Citizenship of Defendants in ITAR Investigations

# ITAR INVESTIGATIONS

## 1989

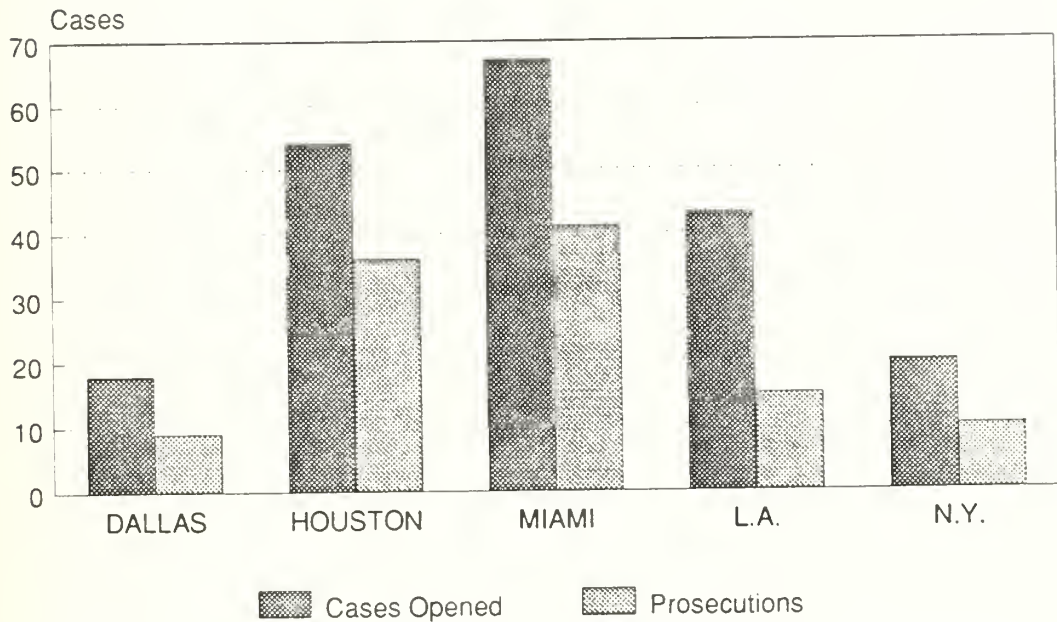


Source: ITAR 1990 Annual Report, ATF

**Figure 3. Cities Having Highest Numbers of ITAR Investigations, 1989**

# ITAR INVESTIGATIONS

## 1990



Source: ITAR 1990 Annual Report. ATF

**Figure 4. Cities Having Highest Numbers of ITAR Investigations, 1990**

## V. THE ACTORS

To get a better understanding of the guns-for-drugs trade it is necessary to examine the actors and how they interact in both the domestic and international systems. The number of actors involved in the guns-for-drugs trade is almost as numerous as the methods used in smuggling. Table II lists the major actors involved in the guns-for-drugs trade.

**TABLE II**  
**LIST OF MAJOR ACTORS IN THE GUNS-FOR-DRUGS TRADE**

### The International Level

- Governments
- Security, Military, Intelligence Organizations
- Drug Cartels and Organized Crime Organizations
- Mercenaries
- Guerrillas
- Terrorists
- Corrupt Officials
- Manufacturers
- Individuals

### The Domestic Level (United States)

- Organized Crime and Branches of the Cartels
- Drug and Street Gangs
- Manufacturers
- Individuals

A review of specific cases will shed light on the actors, motives, weapons, methods and dynamics involved in the guns for drugs trade. The following sections will examine some of the most significant actors and provide specific cases so as to better understand the dynamics of the guns-for-drugs trade.

## A. THE DRUG CARTELS

The most prominent actors in the guns-for-drugs trade are the drug cartels. Most of these cartels are based in Colombia and Mexico, but there are other drug trafficking organizations such as the Jamaican posses.<sup>73</sup> The cartels have extended their networks and offices worldwide. Their awesome power and influence comes from their extraordinary economic wealth, their private intelligence services, communications networks, and strength of their security forces. In Colombia they have corrupted almost all governmental institutions and virtually all levels of Colombian society to one degree or another. In the United States, they are largely responsible for much of the social decay and violence caused by their drug trade. Until recent crack downs by the Colombian government, it was estimated that the Medellin cartel produced 75% of the cocaine consumed in the United States.<sup>74</sup>

These so-called cartels are not as centralized as previously thought. The two major cartels, the Medellin and the Cali, control over 2/3 of the cocaine processed in Colombia.<sup>75</sup> The rest is handled by hundreds of small, loosely-organized operations. However, the Medellin and the Cali cartels have established the infrastructures necessary to distribute their product to markets throughout the world. These same infrastructures, which are diverse and often ingenious, are also used to smuggle weapons.<sup>76</sup> These cartels are willing to commit any violent or heinous act in order to silence or terminate their opponents, critics and competition. Smooth operation of the drug trade is their primary concern. As a result, obtaining the most sophisticated weapons possible is crucial to their survival as they wage war on themselves.

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<sup>73</sup> Jamaican posses are extremely violent drug gangs made up largely of Jamaicans and operating in the U.S. and the Caribbean. Gordon Witkin, "The Men Who Created Crack," *U.S. News and World Report*, 19 August 1991, pp. 44-52.

<sup>74</sup> Stan Yarbro, "Cocaine Trade Shifts in Colombia," *The Christian Science Monitor*, 3 June 1991.

<sup>75</sup> "The World's Deadliest Criminals: The Medellin Cartel," *The Miami Herald*, 8-11 February 1987.

<sup>76</sup> Tina Rosenberg, "The Kingdom of Cocaine," *The New Republic*, 27 November 1989, pp. 27-31.

governments, guerrillas and other forms of competition. The following cases will show to what extents the cartels will go to in order to obtain weapons. (The recent crack down on the Medellin cartel has led to further decentralization.)

In March 1988, the U.S. Customs Service initiated an investigation into the clandestine arms export activities of David Condiotti and Carlos Enrique Gil.<sup>77</sup> The investigation ultimately led to the arrest of Condiotti and Gil, who were attempting to purchase from undercover agents 100 pounds of C-4 explosives, 25 MAC-11 machine guns, 20 AR-15 rifles and 5 fully automatic M-60 machine guns. In addition, the agents uncovered a shopping list which consisted of M-79 grenade launchers, M-203 grenade launchers and LAW rockets. Agents were able to identify two previous shipments of weapons which contained the following: 25 pounds of Tovex plastic explosives, 30 AR-15 rifles, five 50 caliber rifles, 25 silencers for MAC-11 machine pistols, two 308 sniper rifles and night vision equipment. The shipments were sent to Colombia via private aircraft and were destined for Cali cartel. The weapons were to be used for protection, political assassinations, and the assassination of Pablo Escobar, head of the Medellin cartel.<sup>78</sup>

The second case examined unravels a guns-for-drugs trafficking ring in which Mexican and Colombian cartels were cooperating with each other. In February 1988, acting on information supplied by the DEA, Mexican authorities seized 360 AK-47 rifles, 145,000 rounds of ammunition, six U.S. made military rifles, metal detectors, infra-red rifle scopes, 92 bayonets, 11 tons of marijuana and 4,400 pounds of cocaine. Over 25 arrests were made, including six Colombians and members of the Mexican Federal

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<sup>77</sup> John B. Reuter, *Sendero Luminoso and the Threat of Narcoterrorism*, (New York, New York: Praeger Publishers, 1990), pp. 99- 139.

<sup>78</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by William B. Rosenblatt, U.S. Customs, pp. 18-19.

Judicial Police. Authorities stated that part of the arrangement involved a shipment of a ton of cocaine that had not yet arrived.<sup>79</sup>

The operation used Mexico as a staging area to smuggle cocaine into, and weapons out of the United States. The weapons were destined for Colombia and were to be utilized by the Medellin cartel. Those arrested identified Gonzalo Rodriguez Gacha as the mastermind of the operation. Gacha was the second in command of the Medellin cartel and was in charge of Medellin security forces up until his death in December 1989. (Gacha is mentioned in another case covered later in this paper.) Most of the weapons had been smuggled into Mexico from the United States and were about to be shipped to Colombia for use by the Medellin cartel against the Colombian government and rival cartels.<sup>80</sup> Mexico has become a vital transshipment point in the guns for drugs trade between the United States and the rest of Latin America.<sup>81</sup>

The third case gives an indication of how threatening the cartels can be, attempting to purchase any type of weaponry necessary to challenge and disrupt the authority of governments. This case tends to confirm information that U.S. intelligence had picked up indicating that the cartels were attempting to obtain antiaircraft missiles. The missiles were to be used in an attempt to shoot down Colombian President Virgilio Barco's helicopter or Air Force One during a visit by President George Bush on 15 February 1990.<sup>82</sup> Initially, it was thought that the missiles to be used were SAM-7 missiles, which had allegedly

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<sup>79</sup> William Branigan, "Mexico Cracks Arms, Drug-Trafficking Ring," *The Washington Post*, 26 February 1988, A25.

<sup>80</sup> Ibid.

<sup>81</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, 121-127.

<sup>82</sup> "Plot on Bush's Jet Possible, U.S. Says," *The New York Times*, 23 January 1990.

been smuggled into Colombia by Cartels. A U.S. official commenting on the situation advised that these types of missiles were readily available on the black market.<sup>83</sup>

Although President Bush's visit to Colombia was completed without incident, two individuals working on behalf of the Medellin cartel were arrested on 6 May 1990, in a plot to obtain 24 U.S. Stinger antiaircraft missiles. The missiles were to have been supplied by an FBI operative.<sup>84</sup> The price tag on the missiles was to have been \$5-6 million and the individuals had agreed to hand over \$1 million in cocaine profits as a down payment.<sup>85</sup> It was believed that the missiles were to have been used against Colombian government officials, to include President Barco. By killing President Barco, the cartel believed that it could destabilize Colombia and gain more control of the country.<sup>86</sup>

## **B. GOVERNMENTS AND SECURITY ELEMENTS**

The next actors to be examined are governments and their security elements. Given that one works for the other, it will not be necessary to separate the two. However, in cases where the government might be embarrassed by being implicated in such activity, the government usually claims ignorance and shifts the blame to the security element.

There are two classic examples of this: the first involves the Iran-Contra affair in which the United States government was implicated in helping support Contra rebels through drug money and weapons. The administration claimed ignorance of the activity and the blame was shifted to the CIA, which in turn shifted

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<sup>83</sup> Ibid.

<sup>84</sup> Jeff Gerth, "F.B.I. Said to Foil Missile Smuggling to Colombia", *The New York Times*, 7 May 1990.

<sup>85</sup> "U.S. Details \$1 Million Offer for Missiles By Two Colombians, *The New York Times*, 8 May 1990.

<sup>86</sup> Jeff Gerth, F.B.I. Said to Foil Missile Smuggling to Colombia, *The New York Times*, 7 May 1990.

the blame to over-zealous individuals.<sup>87</sup> This is not the first time the U.S. has been implicated in the guns-for-drugs trade. The U.S. government/ CIA has also been accused of involvement in the guns-for-drug trade as early as the 1950s in the area of the Golden Triangle.<sup>88</sup>

The second example, which will be covered in greater detail, involves governments, security elements, drug cartels, corrupt officials and guerrillas. This second example culminated in July 1989, when Cuba announced that seven military officers had been convicted of treason, drug trafficking and hostile acts against a foreign nation. The latter was based on proof that the defendants had cooperated with international drug traffickers by allowing Cuba to be used as a stopover point in smuggling cocaine into the United States.<sup>89</sup> Many of those accused were high-ranking Cuban officers, including a national hero, General Arnaldo Ochoa Sanchez.<sup>90</sup> Ochoa was sentenced to death and the rest received long prison terms. It is believed that there were two motives for the trial. First, it helped ease U.S. pressure on the Cuban government over allegations of involvement in drug trafficking to the United States and weapons trafficking to communist guerrillas in the region of Latin America.<sup>91</sup> The other was that a power struggle in the Cuban military had developed between Ochoa and Fidel Castro's brother, Raul Castro. For Raul Castro,

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<sup>87</sup> There are a number of sources on the U.S. involvement in the Iran-Contra affair involving the smuggling of guns for drugs. These are just a few: Blitt and Bernstein, "Of Arms, Drugs, Contras and the CIA," *The Progressive*, April 88. Schneider, "Smuggler Ties Contras to U.S. Drug Network," *New York Times*, 16 July 1987. Parry and Nordland, "Guns for Drugs?," *Newsweek*, 23 May 1988. Leslie Cockburn, *Out of Control*, (New York: The Atlantic Monthly Press, 1987). Congressional Hearings on the Iran-Contra affair. It should also be noted that the Iran-Contra affair is not the first time that the U.S. government has been implicated in guns for drugs. These are two good books that delve into such subject matter: Jonathan Kwitney, *The Crimes of Patriots*, (New York: W. W. Norton and Company, 1987) and James Mills, *The Underground Empire*, (Garden City: Doubleday and Company, Inc., 1986).

<sup>88</sup> The area where Burma, Laos, and Thailand converge. Jonathan Kwitney, *The Crimes of Patriots*.

<sup>89</sup> "Death Penalty Sought for Cuban General," *The Christian Science Monitor*, 6 July 1989.

<sup>90</sup> Ibid.

<sup>91</sup> Joseph D. Douglass, Jr., "Drug Trafficking and the Castros," *Global Affairs*, Winter 1991, pp. 161-179.

this was an opportunity to get rid of a rival. In short, Ochoa and the other officers had served as the scapegoats for Cuba's involvement in the guns-for-drugs trade.<sup>92</sup>

United States officials began to receive information in the early 1960s that alleged Cuban involvement in drug trafficking to the U.S.<sup>93</sup> Several sources including Cuban military and diplomatic defectors, Eastern Bloc military defectors, Colombian drug traffickers, and former guerrilla captives, have related information of Cuba's involvement in drugs and weapons trafficking. According to these sources, Cuba's involvement in the drug trade was based on Fidel Castro's belief that the United States could be poisoned from within with drugs. Castro's target was the American social structure. According to Cuban Major Juan Antonio Rodriguez Menier, an ex-Cuban military intelligence officer, and now a defector, Castro believed that by destroying the younger generations who were to be the future leaders, he could defeat the United States without firing one bullet.<sup>94</sup>

According to these sources, Cuba engaged in efforts to establish drug trafficking operations throughout Latin America. Cuba even grew its own marijuana to ship to the United States. These were state operations protected by special troops.<sup>95</sup> Aside from marijuana, the principal drugs that were smuggled in the early operations consisted of opium, heroin, synthetics and LSD (Lysergic Acid Diethyl Amide).<sup>96</sup> Cuba was also known to maintain several training camps for future terrorists and guerrillas, and that cocaine was a readily acceptable payment for the tuition.<sup>97</sup> Cuban intelligence inserted agents into

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Joseph D. Douglass, Jr., "Drug Trafficking and the Castros," *Global Affairs*, Winter 1991, pp. 161-179.

<sup>97</sup> Ibid.

the United States, who were then directed to organize drug distribution networks and return the profit to Cuba. These profits were, in turn, utilized to support insurgency movements throughout Latin America.<sup>98</sup> Cuban intelligence officers allegedly helped Nicaragua set up its own trafficking networks as well. Cuba also sent military forces to protect drug operations in countries such as Suriname and other small Caribbean countries.<sup>99</sup>

A significant amount of light was shed on the subject, when Czechoslovakian General Major Jan Sejna defected to the West. According to Sejna, Cuba's drug and weapons trafficking was promoted and supported by the Soviet Union. The Soviet Defense Council of 1956 decided to use drugs as a strategic weapon against the Free World.<sup>100</sup> The Soviets also aided in establishing training centers for non-Communist drug traffickers in East Germany, Czechoslovakia and Bulgaria. Sejna claims to have been present when Raul Castro signed agreements with the Czech Ministry of Defense and Ministry of Interior to establish training centers for drug traffickers in Cuba. Cuban intelligence officers were to attempt to infiltrate South and Central American drug operations and attempt internal covert takeovers.<sup>101</sup>

Cuban intelligence was also to build independent drug production and distribution organizations throughout Latin America. With the assistance of Czechoslovakia, Cuba expanded into Mexico, Colombia, Panama, Chile, Argentina, Central America and various small countries throughout the Caribbean. There were even studies conducted by the Cubans that were sponsored by the Soviets to answer questions such

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Joseph D. Douglass Jr., "Drug Trafficking and the Castros," *Global Affairs*, Winter 1991, pp. 161-179.

<sup>101</sup> Ibid.

as: What drugs or combinations of drugs were most effective in crippling the mind, and how many years would it require to cripple an entire society?<sup>102</sup>

The Cubans also offered protection, refueling and repair services in the country's ports to the drug cartels, in return for payment in hard currency or drugs. The Colombian cartels that carried drugs north would readily ferry weapons and supplies for guerrilla forces on their return trips south.<sup>103</sup> As the drug operations grew so did the support to insurgent movements and terrorist groups throughout Latin America. Jaime Guillot Lara, a Colombian drug trafficker indicted in Miami on drug trafficking charges in November 1982, related that on several occasions he made arrangements with Cubans in Panama and Mexico to ship weapons to M-19 guerrillas in Colombia.<sup>104</sup>

In April 1984, further evidence was uncovered of the Cuban connection in the guns-for-drugs trade. During a raid on what was the world's largest known cocaine production center, a complex of seventeen laboratories in the eastern Colombian lowlands, 121,500 kilograms of cocaine were recovered with an estimated value of \$1.2 billion.<sup>105</sup> The complex contained 40-60 employees who were protected by 100 FARC guerrillas. It was later revealed that the weapons that the guerrillas carried had been received from Cuba and had been purchased with cocaine. Colombia's National Defense Minister's statement on the matter was, "Everyone knows that the planes leave Colombia with cocaine and that they return with weapons from Cuba."<sup>106</sup> Guerrilla groups like the M-19 and FARC perceived the drug trade as a means of generating income for the purchase of weapons. They also believed that by participating in the drug

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<sup>102</sup> Ibid.

<sup>103</sup> Scott B. MacDonald, *Dancing on a Volcano: The Latin American Drug Trade*, pp. 32-37.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

trade, they would help weaken the imperialist United States, which supported government troops--their enemies.<sup>107</sup>

### C. TERRORISTS, GUERRILLAS AND FREEDOM FIGHTERS

The early arrangements between Latin American guerrillas and drug cartels were based on the guerrillas protecting cartel operations in exchange for funds and weapons. As the guerrillas gained experience in drug trafficking operations and witnessed the huge profits that the cartels were reaping, they decided to become more directly involved. In many instances open conflict broke out between the conservative minded cartels and the competing guerrillas groups. Much of Colombian violence is attributed to the conflict between guerrillas and rival paramilitary groups sponsored by the drug cartels.<sup>108</sup> In remote areas where government authorities and right-wing paramilitary groups have difficulty in reaching guerrilla strongholds and where peasants are sympathetic to the guerrillas, the guerrillas have greater opportunities in exploiting the drug trade. This phenomenon is not solely isolated to Latin America, but is also prevalent in areas of the Middle East and South East Asia where guerrillas are able to control isolated regions.

Although previous sections have focused discussions on Colombian guerrillas, there are many other insurgency and terrorist groups throughout Latin that have tapped into in the narcotics trade as a source of funds, supplies and weapons. One of the most noteworthy groups is that of the Sendero Luminoso in Peru. The Sendero Luminoso is a very powerful and violent guerrilla group that operates throughout Peru. The Shining Path enjoys a strong base of operations in the Upper Huallaga Valley, which is the source of over 50% of the world's coca supply and provides Sendero with ample opportunity to make a profit in order to

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<sup>107</sup> Ibid.

<sup>108</sup> "Colombia Acts Against Private Armies," *Latin American Regional Reports - Andean Group*, 22 June 1989, p. 4.

buy weapons and supplies.<sup>109</sup> The Sendero Luminoso has controlled the drug trade in Peru by organizing and marketing the coca growing regions of Peru. Sendero has acted as a broker on behalf of Peru's coca growing farmers in dealings with Colombian drug cartels, giving the farmers greater leverage to extract higher prices for their coca. They have even attempted to set floor prices for coca on behalf of the farmers.

Large profits have been extracted from the drug trade by Sendero Luminoso through various methods: taxing the coca growers and the cartels, charging fees for landing rights to protected landing strips, providing general protection rackets on behalf of the cartels, and acting as an exchange house for currency (exchanging Peruvian currency for U.S. dollars).<sup>110</sup> Estimates as to the amount of funding that Sendero raises through the drug trade range from \$30 million to \$550 million.<sup>111</sup> Examining the amount of profits that are being reaped by local traffickers and paste producers, which is estimated at \$7.24 billion,<sup>112</sup> there is plenty of room for Sendero to expand and deepen its involvement in the drug trade just as the FARC and M-19 did in Colombia, becoming more active in production, sales and distribution. It should be noted that Sendero has already successfully eliminated competing middle men in Peru's narcotics trade.<sup>113</sup> As the Sendero Luminoso grows in size, as evidence indicates, their need for greater amounts of funding will grow at a compounded rate. As the conflict escalates, more funds will be needed for supplies and more sophisticated weaponry to undertake larger and more complex operations.

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<sup>109</sup> William Hazelton, "Sendero Luminoso and the Future of Peruvian Democracy," *Third World Quarterly*, April 1990.

<sup>110</sup> John B. Reuter, *Sendero Luminoso and the Threat of Narcoterrorism*, pp. 99-139.

<sup>111</sup> Presentation at the U.S. Naval Postgraduate School, 19 April 1991 by Gordon McCormick, Latin American Analyst, Rand Corporation.

<sup>112</sup> John B. Reuter, *Sendero Luminoso and the Threat of Narcoterrorism*, pp. 99-139.

<sup>113</sup> Presentation by Gordon McCormick at U.S. Naval Postgraduate School, 19 April 1991.

It is believed that Sendero obtains much of its weaponry through the cartels and international black market, using drug money as payment. Sendero has been instrumental in arming many of the peasants so that they can defend their coca-growing operations from the military or ambitious cartels.<sup>114</sup> Former Peruvian President Fernando Belaunde points out the basis for Sendero's involvement in the guns-for-drugs trade in the following passage:

From where is Sendero principally financed? It is clear that they get some funds from bank robberies and kidnap-pings; yet the fact is that the bulk of their budget comes from narcoterrorism.<sup>115</sup>

The following cases will shed some light into the methods used by subversive and terrorist groups in obtaining weapons through the guns-for-drugs trade. The first case involves the purchase of weapons by the Sendero Luminoso via a British mercenary, Charles Mosley. According to an anonymous interview conducted in February 1987 by Professor Scott D. Tollefson of the Naval Postgraduate School, Monterey California, the Brazilian government had threatened to shut down Mekanica Industria e Comercio, a Brazilian manufacturer of pistols and machine guns, for the illegal sale of small arms to mercenaries who were trafficking in arms along the borders of Brazil, Peru, Colombia, and Suriname. Mekanica Industria had sold 300 URU M-12 light submachine guns to British mercenaries who in turn sold the weapons to Sendero Luminoso. It is unknown whether Mekanica Industria knew to what the end use or final destination of the weapons was to be. However, this does show that when there is a profit to be made, arms manufacturers may be willing to turn a blind eye or deaf ear as to the end use of their products.<sup>116</sup>

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<sup>114</sup> Scott B. MacDonald, *Dancing on a Volcano: The Latin American Drug Trade*, pp. 61-66.

<sup>115</sup> Scott B. MacDonald, *Dancing on a Volcano: The Latin American Drug Trade*, pp. 61-66.

<sup>116</sup> Initial information obtained from presently unpublished dissertation by Scott Tollefson, Professor at the Naval Postgraduate School Monterey, California, "Brazilian Arms Transfers, Ballistic Missiles and Foreign Policy," p. 170.

This activity was later confirmed by a 15 May 1990 report put out by the Estado de Sao Paulo, a Brazilian news agency. According to the Estado, in April 1990, Mosely contacted the former director of Industria Mekanica and proposed the clandestine purchase of 3,000 more URU M-12 machine guns. It was very likely that this most recent attempted purchase was also destined for the Sendero Luminoso. The Estado report confirmed the previous purchase of 300 URU M-12 machine guns by Sendero Luminoso.<sup>117</sup>

A subsequent case seems to implicate support groups of the Farabundo Marti Liberation Front (FMLN) in a guns-for-drugs ring originating out of Corpus Christi, Texas. On 12 April 1988, agents from the U.S. Customs Service successfully terminated an undercover operation which uncovered the clandestine export of weapons and import of drugs into the United States by Alejandro Malagon, Hector Regalado and Barbara Valdes.<sup>118</sup> The three subjects had purchased and attempted to export from Corpus Christi, Texas to El Salvador the following weaponry: ten law rockets, one case of hand grenades, four MAC-10 automatic weapons, one AR-15 semi-automatic rifle, one case of ammunition, five M-79 grenade launchers and one pistol. The subjects had also attempted to smuggle 350 kilos of cocaine from Colombia to the United States via private aircraft. The smuggling operation also planned to run 1,000 pounds loads of marijuana into South Texas on a weekly basis.<sup>119</sup>

#### D. MERCENARIES

British, Israeli and South African mercenaries have been heavily involved to one extent or another in the guns-for-drugs trade in Latin America.<sup>120</sup> Several reports have implicated British, Israeli and South

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<sup>117</sup> "British Mercenary Reported Trafficking in Arms," *FBIS: Latin American*, 18 May 1990.

<sup>118</sup> Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Testimony given by William B. Rosenblatt, U.S. Customs Service, pp. 18-19.

<sup>119</sup> Ibid.

<sup>120</sup> Jeff Leen, "Anatomy of an Arms Scandal," *The Miami Herald*, 25 November 1990.

African mercenaries training the private armies of cartels as well as arranging arms deals for both the cartels and guerrilla insurgents operating throughout Latin America.<sup>121</sup> Their previous military experience and connections make them prime arms merchants for a region engulfed in political and criminal violence.

In February 1991, two British mercenaries testified before a U.S. Senate subcommittee concerning the activities of mercenaries in Colombia. According to testimony given by David Tomkins and Peter MacAleese, Colombian drug traffickers received expert training in how to kidnap and assassinate their enemies. This training also included the manufacture and proper use of sophisticated explosive devices. Some of the weapons and explosives, which were purchased with money from proceeds of the narcotics trade, were purchased from U.S. arms dealers and smuggled into Colombia in large appliances like refrigerators and stoves. Other shipments of mortars, submachine guns and other sophisticated weapons and accessories were purchased from Eastern European manufacturers. Tomkins advised that the destinations of such shipments were routinely disguised through end-user certificates, which falsely state that the weapons are being sent to equip armies of smaller countries in Africa or Latin America.<sup>122</sup>

The most recently-publicized case involved the shipment of 500 automatic weapons and 200,000 rounds of ammunition from Israel Military Industries (IMI), a state owned weapons manufacturer, to Gonzalo Rodriguez Gacha, head of the Medellin Cartel security forces.<sup>123</sup> Gacha was considered as the Medellin Cartel's second in command prior to his death in December 1989 during a raid on his ranch by Colombian security forces. This case is a good example of the cross section of actors involved which include mercenaries, corrupt government officials, weapons manufacturers, and drug cartels.

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<sup>121</sup> "British Mercenary Reported Trafficking in Arms," *FBIS: Latin America*, 18 May 1990.

<sup>122</sup> Robert L. Jackson, "Mercenaries' Role for Drug Cartels," and "Drug Cartels' Easy Access to Arms Told," *The Los Angeles Times*, 27 and 28 February 1991.

<sup>123</sup> Douglas Farah, "Probe Finds Israelis Trained Colombian Cartel Assassins," *Washington Post*, 12 December 1990.

The case surfaced when Colombian police found 215 Israeli manufactured Galil rifles on Gacha's ranch. The serial numbers were traced to a shipment that had originated from IMI in Israel and had allegedly been destined for Antigua, a small country in the Caribbean. The Antiguan government commissioned British jurist Louis Blom-Cooper to head an independent commission of inquiry into the shipment of the arms that had originated from Israel and ended up in Colombia.<sup>124</sup> The Blom-Cooper report concluded that several ex-Israeli Defense Force officers had arranged the arms transfer to Colombian drug lords with the complicity of Antiguan government officials. The report also concluded that several ex-members of the British Special Air Service (SAS) and Israeli Defense Force were involved in training the private armies of the most violent Colombian drug lords. Some of those named in the report include the following: Israeli reserve Col. Yair Klein, mastermind of the operation and responsible for organizing mercenaries to train the security forces of Colombian cartels; retired Israeli Brigadier Gen. Pinchas Shachar, former Miami representative of IMI; Arik De Picciotto Afek, former Israeli commando who had become an Israeli flower importer doing business in Colombia, was murdered in Miami shortly after becoming a federal informant in the case; Maurice Sarfati, an Israeli businessman and Israeli Special Envoy to Antigua who had set up a melon farm in Antigua and had developed close ties with Antiguan Cabinet ministers; Vere Bird Jr., Antigua's Minister of Public Works and Communications and brother to Prime Minister Lester Bird, who allegedly used his position to order the weapons from IMI; and Colonel Clyde Walker, Commander of the Antiguan Defense Force.<sup>125</sup>

Information developed by the Blom-Cooper report and U.S. federal investigators revealed that Klein had masterminded the deal for Gacha's branch of the Medellin Cartel. Aided by Shachar, Afek, and Sarfati, they solicited the aid of Antiguan government officials to disguise the arms transfer as a legitimate arms

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<sup>124</sup> "Behind Klein Complacent States," *Latin American Weekly Reports*, 31 January 1991.

<sup>125</sup> Jeff Leen, "Anatomy of an Arms Scandal," *The Miami Herald*, 25 November 1990.

deal with the Antiguan government. The Israeli sea captain employed to deliver the arms to Antigua advised that he unloaded the ten-ton container of weapons on an Antiguan dock. Although the weapons were presumably destined to the Antiguan Defense Force (a contingent of only 98 men who had always purchased their weapons from the United States), the captain transferred the weapons to Vernon Edwards, a private Antiguan shipping agent. Edwards then submitted a forged form to customs saying there were no arms on the vessel. Seven hours later, the weapons were loaded on to a second ship chartered by Sarfati which delivered the weapons to the Medellin Cartel in Colombia.<sup>126</sup> Figure 5 provides a chronology of events related to the arms transfer.

In October 1989, Arik De Picciotto Afek became an informant in the case for U.S. federal investigative agencies which included the Drug Enforcement Agency and the U.S. Secret Service. Afek had provided information on alleged surface to air missiles that had reached the cartels via Klein. Investigators were never able to confirm this information, but the Secret Service took Afek seriously enough to meet and confer with Afek before President Bush's visit to Colombia on 15 February 1990. On 24 January 1990, not long after his association with federal agents, Afek was found shot to death in the trunk of a car parked at Miami International Airport. According to sources close to the Metro-Dade homicide investigation, detectives who thought Afek might have been killed by Colombians now suspect he was murdered by Israeli hit men in an effort to protect the Israeli arms smuggling network.<sup>127</sup>

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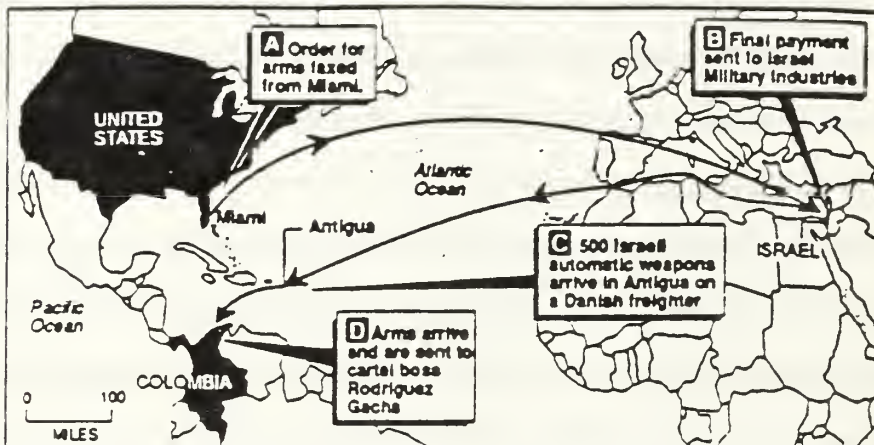
<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

## ANATOMY OF AN ARMS DEAL

The U.S. Customs Service in Miami is investigating several Israelis who have been linked to arms sent to Colombian cocaine traffickers through Antigua.

The following is a chronology of the arms deal and related events taken from a report prepared by a Commission of Inquiry in Antigua.



**1** February 1988 - Retired Israeli Lt. Col. Yair Klein begins training Colombian paramilitary groups linked to cocaine traffickers.

**2** Oct. 5, 1988 - Antiguan Lt. Col. Clyde Walker visits retired Israeli Gen. Pinchas Shachar in Miami; asks for prices on 500 Israeli automatic weapons.

**3** Oct. 12, 1988 - Shachar notifies Israel Military Industries that Antigua Defense Force wants to buy arms; IMI responds with terms for the deal.

**4** Nov. 9, 1988 - Israeli businessman Maurice Sarfati faxes order for arms from Miami to IMI.

**5** Nov. 16-20, 1988 - Shachar and Klein visit Antigua, meet with Walker and Vere Bird Jr.

**6** Feb. 10, 1989 - \$228,705 final payment wire-transferred from Manufacturers Hanover Trust to Shachar's account at Bank Hapoalim in Miami Beach and sent on to IMI.

**7** April 10, 1989 - Klein leaves Colombia with help from Ariq Alek after stories appear about paramilitary training and Israelis. Klein enters Antigua with General Shachar.

**8** April 24, 1989 - 500 Israeli automatic weapons arrive in Antigua on a Danish freighter; arms are transferred within hours to a freighter headed to

Colombia and sent to cartel boss Rodriguez Gacha.

**9** Aug. 21, 1989 - NBC broadcasts videotape showing Klein training mercenaries in Colombia.

**10** Oct. 2, 1989 - Ariq Alek approaches U.S. Drug Enforcement Administration in Miami.

**11** December 1989 - DEA sends Alek to Secret Service; Alek tells Secret Service that Klein inspected missiles in Colombia.

**12** Jan. 24, 1990 - Alek's body is discovered at Miami International Airport.

**13** Jan. 24- Feb. 2 - Colombian police find 215 Israeli automatic weapons on a farm owned by Rodriguez Gacha.

**14** April 16, 1990 - Antigua's deputy prime minister announces that Israeli weapons were shipped through Antigua.

**15** May 9, 1990 - Antiguan investigators learn of Gen. Shachar's involvement.

**16** May 25, 1990 - Shachar's electricity is disconnected in Miami and he returns to Israel.

**17** May 31, 1990 - Klein is charged in Israel with training in Colombia without a permit.

REGINALD MYERS / Miami Herald Staff

Figure 5. Chronology of an Arms Deal  
Source: *The Miami Herald*, 25 November 1990

The Blom-Cooper report exonerated the Israeli government of any direct complicity. However, it did find Israeli officials guilty of negligence for allowing weapons to be sold to drug traffickers. Its basis for the finding was that there were many inconsistencies and deviations from normal procedures and channels involved in the arms transfer. This should have alerted government officials. The Israeli government blames Antiguan officials and cites an "end-user certificate" signed by Vere Bird Jr., which promises that the arms would not be transferred to a third party. Bird insists that the document was a forgery; however, he was relieved of his cabinet position in the Antiguan government. The alleged end-user certificate misidentified Bird as Minister of National Security. Antigua has no such government position. The Israeli government has failed to produce the end-user certificate for analysis.

So far none of those involved in this case have been indicted on criminal charges involving the illegal transfer of weapons from Israel to Colombia. Lt. Col. Klein, however, admitted his involvement with the drug cartels and pleaded guilty to negotiating to sell military expertise, the actual sale of expertise, and the unlawful sale of military equipment such as weapons, night scopes, web gear etc.<sup>128</sup> On 3 January 1991, an Israeli court sentenced Lt. Col. Klein to twelve months in jail, suspended his commission for three years and fined him \$75,000. It must be noted that his sentence was not connected with the Antiguan shipment. Klein's lawyer was quoted as saying, "It's not as if he committed a murder or anything. This is like a contractor who builds without a license."<sup>129</sup> A frustrated, Luis Fernando Jaramillo, Colombian Foreign Minister, expressed his bitterness after the Klein verdict:

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<sup>128</sup> "Israeli Linked to Drug Traffickers Convicted of Illegal Arms Exports," *The New York Times*, 30 November 1990.

<sup>129</sup> "Behind Klein, Complacent States," *Latin American Weekly Reports*, 31 January 1991.

We are seeing how the judicial systems of other countries are quite tolerant of actions which flagrantly violate international law and even the laws of those countries...It is once again disappointing to see how justice operates in the rest of the world.<sup>130</sup>

The light sentence that Klein received, the reluctance to try anyone in the Antigua case, and the overall casual attitude that has been taken, is evidence that the crime of illegal weapons sales is looked upon with less severity than that of drug trafficking. This is a gross misperception, especially if one takes into account that such weapons are responsible for the deaths of thousands in Colombia alone. It also implies to many of the Latin American governments that the international community is not serious in combatting the larger problem of the drug trade. In February 1991, an Israeli court lightened Klein's punishment to a suspended sentence.

#### E. DOMESTIC GANGS

Inner-city violence has increased to an all-time high and is spreading into the suburbs as gangs expand their drug trafficking operations to rural America. The grimmest aspect of the entire situation is that those involved are getting younger and younger.<sup>131</sup> Much of the fuel for the growth in youth violence comes from drugs, guns and gangs.<sup>132</sup> Not nearly as many teens would have guns if they had not raised the money by dealing drugs. According to a survey conducted in Baltimore public schools, 59% of the males from one-parent or no-parent homes carried a handgun.<sup>133</sup>

Drug trafficking has become a prime source of funding for many domestic gangs in the United States. As their profits increase, so do the sophistication of their equipment and operations. Authorities

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<sup>130</sup> Douglas Farah, "What About the Drug War?," *Executive News Service*, 24 February 1991.

<sup>131</sup> Gordon Witkin, "Kids Who Kill," *U.S. News and World Report*, 8 April 1988.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

believe that the drug trade has become more violent due to the increase in sophisticated weapons and the competition over a shrinking pie. Gangs now have more money to buy more guns. Many gangs are no longer restricted to small areas of turf in the inner-city, but instead have expanded their operations nationwide. A good example of this are the two gangs that originated 20 years ago in the Los Angeles ghettos, the Bloods and the Crips. Their operations have expanded from coast to coast, encompassing 32 states and 113 cities, targeting many aspects of society, to include rural college campuses.<sup>134</sup> These gangs often send the same couriers that sell and transport drugs across state lines to obtain weapons in states where gun laws are lax. The gangs either utilize the weapons themselves or sell them at huge profits in areas where gun laws are stricter such as New York City. In the same aforementioned Baltimore survey, students indicated that the top four sources of weapons were street corners, drug dealers, friends, and thefts from residences.

Gang-related violence is no longer restricted to the streets of the barrios or ghettos. Many public schools are no longer safe for children to attend. The degree of drug-related violence and number of deaths increases with the proliferation of firearms.

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<sup>134</sup> In 1984, while a student at Texas A&M University, the local paper "The Eagle Beacon," sensationalized the fact that the Crips had established a base of operations in Bryan-College Station, Texas, targeting the market provided by the University.

## VI. PROBLEMS IN COMBATting THE GUNS-FOR-DRUGS TRADE

It is obvious that many of the problems encountered in combatting the guns-for-drugs trade will be the same type of problems confronted in the narcotics trade. Both items are highly profitable, so there is no shortage of entrepreneurs who wish to get rich quickly. There is a huge supply of weapons for an ever-increasing demand, and interdiction does little to impede the international flow of both. The indifferent attitudes of many nations concerning small arms trafficking facilitate those who wish to profit from the trade. In extreme cases, some countries sponsor the guns-for-drugs trade for political or economic reasons. Other problems associated closer with the weapons aspect of the trade, include the lack of uniform laws and proper enforcement.

### A. LAWS AND REGULATIONS

The biggest problem in combatting the traffic of small arms is the lack of strong, comprehensive, uniform laws both domestically and internationally. Unlike the arms transfers of sophisticated weapons systems such as missiles, nuclear technology, aircraft etc., there are no international systems or agreements to control or regulate the trade in small arms. Considering that maintaining a consensus among countries to establish some sort of control on sophisticated military weapons is extremely difficult, it is virtually impossible to obtain a consensus or organize a system to regulate the international trafficking of small arms, especially if the transfers are being utilized to further political objectives or to obtain hard currency.<sup>135</sup> Internationally, it is up to each individual country to establish its own laws regarding the production, sale, distribution and exportation of small arms.

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<sup>135</sup> Christian Catrina, *Arms Transfers and Dependence*, (New York, New York: United Nations Institute for Disarmament Research, 1988), Chapter 7.

## 1. International Laws

The degree of gun control among citizen populations can range from extremely strict as in England and the Soviet Union to extremely loose as in the United States, Israel, Switzerland, Norway and some countries in Latin America. In many of these countries the reason for loose gun controls is attributed to the necessity of armed militia or citizen soldiers.<sup>136</sup> In some Latin American countries all that is required to carry a weapon is a gun-permit card which can often be obtained through connections with individuals in authority or through a nominal bribe.<sup>137</sup> In some extreme cases, as in Colombia, civilians were given small arms by the government to defend themselves from the guerrilla threat. The problem developed when these citizens became directly involved with drug traffickers.<sup>138</sup>

At odds with the guerrillas, these civilians formed right-wing paramilitary groups. The origin of these self-defense groups dates back to the mid 1960s, in which formal legislation authorized the "use of civilian personnel in activities and tasks for the re-establishment of normality."<sup>139</sup> Initially organized and armed by the army to help combat a growing insurgency, these self defense groups fell victim to the corruption of the drug cartels. The self-defense groups were soon being utilized as private armies

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<sup>136</sup> James Wright, Peter Rossi and Kathleen Daly, *Under the Gun: Weapons, Crime and Violence in America*, (New York, New York: Aldine Publishing Company, 1983), p. 283.

<sup>137</sup> Based on 2 1/2 years of personal experience in Central America (mostly Honduras), one realizes that personal connections and bribery are oftentimes an accepted practice. much of the civilian populace had obtained their weapons-carrying cards through illegal means with disregard to the formal bureaucratic system. This is an accepted way of circumventing the system. Hernando De Soto, authored a book titled "The Other Path" that gives an explanation of this frame of mind in which circumventing the system is acceptable. Published in 1989, the background is set in Peru and the basic explanation is that many Latin American bureaucratic systems are so inefficient, restrictive and inhibiting that people choose to simply bypass the system.

<sup>138</sup> "Colombia Acts Against Private Armies," *Latin American Regional Reports: Andean Group*, 22 June 1989, p. 4.

<sup>139</sup> "Colombia Acts Against Private Armies," *Latin American Regional Reports: Andean Group*, 22 June 1989, p. 4.

for the narco-traffickers. Their wealthy bosses armed them with even more sophisticated equipment and weapons and provided specialized training with the aid of British and Israeli mercenaries.<sup>140</sup> These paramilitary groups have often challenged Colombian security forces in all-out firefights.

## **2. Domestic Laws (Federal and State)**

In the United States, federal laws are quite lax and state laws vary greatly from state to state. Federal law prohibits private ownership of automatic firearms, explosives and other weapons considered to be for military use, unless a special permit is obtained. Individuals are free to purchase any of the various types of semi-automatic rifles, pistols and shotguns, not to mention the firearms that are manually operated such as bolt, revolver and pump-action firearms. Federal law requires that a purchaser be at least 18 years of age to buy long guns and ammunition (this includes semi-automatic assault weapons) and 21 years of age to purchase handguns and handgun ammunition. They must show proper identification indicating their name, age and place of residence.

The purchaser must also complete a Firearms Transaction Record, ATF Form 4473, which is a basic questionnaire used to determine eligibility of purchaser and to record the purchase. According to 18 United States Code 921-929, federal law prohibits:

...the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who is under indictment or information for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year, by one who is a fugitive from justice,

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<sup>140</sup> The paramilitary death squads have fueled political violence in Colombia, accounting for approximately 70% of the political assassinations, with left-wing activists and politicians as their prime targets. Recent confrontations between Colombian security forces and paramilitary groups indicate that these right-wing extremist groups sponsored by the drug cartels have established a substantial powerbase and are not afraid to challenge the government. Characteristic of vigilantes, they boast of eliminating guerrillas, kidnappers, robbers, beggars and sometimes the mentally ill, claiming their job is to cleanse the areas of guerrillas, communists and criminals. Obtained from the following sources: Jorge P. Osterling, *Democracy in Colombia*, (New Brunswick: Transaction Publishers, 1989), pp. 273-274. "Colombia Acts Against Private Armies," *Latin American Regional Reports: Andean Group*, 22 June 1989, p. 4. "Colombian Sicarios Surrender," *Latin American Weekly Report*, 13 December 1990. "Doubt Over FARC's Peace Commitment," *Latin American Regional Reports: Andean Group*, 18 May 1989, p. 3.

by one who has been adjudicated mentally defective or has been committed to a mental institution, by one who has been discharged from the Armed Forces under dishonorable conditions, by one who, having been a citizen of the United States, has renounced his citizenship, or by one who is an alien illegally in the United States.<sup>141</sup>

Because this is only a questionnaire completed by the purchaser and the dealer, it is up to the dealer to determine whether the individual is eligible to buy a firearm by referring to the answers given by the purchaser in the questionnaire. There is no further investigation conducted in conjunction with questionnaire. As a result, purchasers who are not eligible, readily lie on the questionnaire in order to purchase a firearm. Federal laws provide little deterrence to the criminal who wants to purchase any type of weapon over the counter.

Some states have developed stringent state laws based on good ideas. However, these laws remain ineffective to a large degree due to the ease with which these laws can be circumvented. If laws are too restrictive in one state, individuals often travel to other states where gun control is less restrictive. The weapons are then brought back over state lines. Although this practice may be illegal, it is of little consequence to individuals expecting large profits or those already involved in illegal activity such as drug trafficking.

There is a great deal of controversy as to how effective gun control laws really are. Studies indicate that only 16% of the handguns that are used in criminal activity are obtained by the criminal through over-the-counter sales.<sup>142</sup> It is important to note that these studies only included handguns and that the percentage of other weapons such as assault rifles and shotguns (also popular among drug organizations) obtained from legal over-the-counter purchases is unknown. A large percentage of firearms are bought, bartered or stolen from private citizens. One of the attributes that criminals look for

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<sup>141</sup> Paragraph 3 of the ATF Form 4473 found in Appendix at the end of report.

<sup>142</sup> James Wright and Peter Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, Chapters 9 and 10.

in weapons, other than accuracy and quality, is untraceability--which only comes from weapons obtained through the grey or black markets. Grey market is considered to be the source of weapons from friends, relatives and acquaintances.<sup>143</sup>

The lack of uniform gun control laws makes it extremely difficult to gauge their effectiveness. Uniform laws requiring criminal record checks of individuals attempting to purchase firearms in conjunction with laws monitoring the sale of weapons between private parties such as was implemented in California on January 1991, could prove to have positive effects in controlling the domestic guns-for-drugs trade.<sup>144</sup> California has initiated the most sweeping gun control laws in the nation which include the ban on the sale of certain assault weapons and the registration of those already in circulation. The problem with this approach is that weapons manufacturers often find loopholes in these laws and are able to make slight modifications on the weapons so as to bypass restrictions. Often times the modifications are only cosmetic and the destructive capabilities of such weapons remain unchanged.<sup>145</sup> Other legislation, such as the recently-proposed Brady Bill that requires a seven day waiting period to purchase a handgun and gives law enforcement the option of conducting a records check, will have little impact, if any. In fact, recent changes in federal laws have eased the access to weapons by purchasers, reduced penalties for licensed dealers who intentionally keep fraudulent records, and have done little to curb illegal sales at gun shows and flea markets.<sup>146</sup>

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<sup>143</sup> Ibid.

<sup>144</sup> Information on California gun laws was obtained from ATF agent Jess B. Guy and Jack Turner, clerk, at the Ft. Ord Shooting Center.

<sup>145</sup> David Johnston, "Altered Models of Assault Guns Elude U.S. Ban," *The New York Times*, 24 July 1990.

<sup>146</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 130-143.

Another problem is the large number of licensed dealers and the lack of tight controls that impedes the monitoring of their questionable activities. There are over 270,000 dealers in the United States.<sup>147</sup> To become a dealer, an individual need only fill out a background questionnaire and pay a dealer processing fee of \$30.00. A records check is conducted by ATF with local and federal law enforcement agencies to ensure that the individual is not a felon or a repetitive criminal offender. Licensed firearms importers, manufacturers and dealers are required to keep specific records on the acquisition and disposition of firearms. They are required to screen individuals attempting to purchase firearms by reviewing required forms and questionnaires.

Dealers are also responsible for notifying ATF of the purchase of two or more handguns within five working days. ATF has determined that persons who acquire handguns with such frequency are often illegally engaged in supplying these weapons to foreign and domestic criminal groups.<sup>148</sup> Sales records, however are not centralized or computerized, and it is the responsibility of ATF to audit dealers to insure they are meeting the minimum responsibilities and requirements involved in selling and record keeping. The ATF lacks the resources needed to conduct enough audits to keep dealers in check. Oftentimes audits are not conducted on individual dealers unless there are indications of wrong-doing or ATF has received specific information alleging illegal activity. The current system of records examinations averages one audit every three years, and this is primarily commercial retail outlets, not the private citizen who can legally sell from his home.<sup>149</sup>

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<sup>147</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp.121-130.

<sup>148</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, (Springfield, Illinois: Charles C. Thomas Publisher, 1989), Chapter 6, pp. 121-130.

<sup>149</sup> Ibid.

The situation is further aggravated by the light sentences that many convicted weapons traffickers receive. The courts and the public look upon weapons trafficking with much less severity than narcotics trafficking. In some countries, authorities may even look the other way to keep from having to deal with an embarrassing situation.

## **B. LAX GUN LAWS AND THE NATIONAL RIFLE ASSOCIATION**

The greatest single reason why the United States has not adopted the more stringent types of firearms restrictions that are common in many countries is the existence of anti-gun control groups led by the National Rifle Association (NRA).<sup>150</sup> Domestic politics plays the most significant role in the formulation of gun control legislation. In spite of the majority of public support for stricter gun control, the NRA has been able to dominate domestic politics involving gun control issues through its lobbying efforts.<sup>151</sup> Its platform is that the right to bear arms is a constitutional right, and any form of gun control is an infringement of that right.<sup>152</sup>

Although the NRA only has three million members, it derives its political muscle from the intensity of their support and its ability to mobilize them.<sup>153</sup> According to former chairman of the House Judiciary Crime Subcommittee, William Jay Hughes, Democrat of New Jersey, "It's a lobby that can put 15,000 letters in your district overnight and have people in your town hall meeting interrupting you."<sup>154</sup> The

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<sup>150</sup> Edward F. Leddy, *Magnum Force Lobby*, (Lanham, Maryland: University Press of America, 1987), p. 1.

<sup>151</sup> Ibid.

<sup>152</sup> James Baker, "War for Your Guns," *American Rifleman*, September 1991, pp. 36-37.

<sup>153</sup> Joan Biskupic, "Letter Writing and Campaigns," *Congressional Quarterly*, 9 March 1991, p. 605.

<sup>154</sup> Joan Biskupic, "NRA, Gun-control Supporters Take Aim at Swing Votes," *Congressional Quarterly*, 9 March 1991, p. 604.

NRA actively endorses political candidates and contributes significantly to campaign funds.<sup>155</sup> It also has a reputation for punishing those it sees as hostile towards its efforts. Ex-congressman Peter Smith, a Republican from Vermont, attributed his defeat in a fall 1990 congressional election to the NRA. He recently provided advice to his former colleagues prior to a vote on the most recently proposed gun control legislation--the Brady Bill:

Do what you think is right. If that puts you against the NRA, do not for a minute underestimate them or the tactics and the depth to which they will stoop.<sup>156</sup>

Politicians fear the fanaticism of NRA members who will vote for or against a candidate solely on this issue.

Many pro-gun control advocates complain that the NRA has an inordinate amount of influence in Congress, taking into account that the NRA membership makes up little more than 1% of the population.<sup>157</sup> During a November 1989 interview, a frustrated Sarah Brady, a leading gun control advocate and wife of former Presidential Press Secretary Jim Brady who was a victim of the attempted assassination on President Ronald Reagan in 1981, related the following:

Members say to me, "I would like to agree with you, but I have a tough district." You talk to any number of them, and you would think that all gun owners are in their district.<sup>158</sup>

As formidable as it seems, the NRA has given some ground to recently proposed gun control legislation. The Brady bill, which proposes a seven-day waiting period for the purchase of a handgun, was

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<sup>155</sup> Joan Biskupic, "Letter Writing and Campaigns," *Congressional Quarterly*, 9 March 1991, p. 605.

<sup>156</sup> Ibid.

<sup>157</sup> Joan Biskupic, "Handgun-Control Advocates Keep on Shooting Blanks," *Congressional Quarterly*, 2 December 1989, p. 3312.

<sup>158</sup> Ibid.

passed by both the U.S. House of Representatives on 8 May 1991 and the U.S. Senate on 11 July 1991.<sup>159</sup> In order to pass through the Senate and avoid presidential veto, the Brady bill was made part of a larger anti-crime bill which contained a multitude of issues targeted at stemming the alarming increase in crime.<sup>160</sup> Also included in the anti-crime bill was legislation that banned the importation, sale and possession of nine types of assault weapons.

Although promising, these developments can hardly be considered victories for gun control advocates. In the process of making the Brady bill a provision of the anti-crime bill, it was significantly altered. Supporters of the anti-crime bill had to negotiate with the NRA to gain enough support for its passage.<sup>161</sup> The result was that the seven-day waiting period was shortened to five working days, but more importantly it added a provision allowing for the phasing out of the waiting period after 2 1/2 years. The waiting period would then be replaced by a system that could instantaneously check backgrounds. The system would have to be certified by the attorney general to make sure that it would have access to the passed five years of state criminal records and that the records be at least 80% current. If a state failed to meet the attorney general's criteria within six years it would lose half of its federal law enforcement funds.<sup>162</sup> The provision on assault weapons was intended to expire in three years, but more importantly, it has recently been stripped from the House version of the anti-crime bill.<sup>163</sup> The future of these

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<sup>159</sup> Gwen Ifill, "Approved by Senate Anti-Crime Bill Faces Fierce Test in the House," *The New York Times*, 13 July 1991.

<sup>160</sup> Joan Biskupic, "Bush's Support for Brady Bill Tied to Crime Proposal," *Congressional Quarterly*, 13 April 1991, p. 921.

<sup>161</sup> Gwen Ifill, "Senators' Effort on Gun Control Includes NRA," *The New York Times*, 12 June 1991, p.A8.

<sup>162</sup> Joan Biskupic, "On Death Penalty, Handguns and Drugs," *Congressional Quarterly*, 13 July 1991, p. 1901.

<sup>163</sup> Kitty Dumas, "House Republicans Lead Charge to Toughen Anti-Crime Bill," *Congressional Quarterly*, 26 October 1991.

measures are yet undetermined. As part of the anti-crime bill, they must still undergo further scrutiny as they pass through House-Senate conference committees.

Gun control forces have gained some ground in the gun control issue, but this does not signal sweeping trends towards stricter gun control. In fact what progress has been made does little toward enacting the types of gun control legislation needed to stem the illegal traffic of arms in and out of the United States. This is one example where domestic politics have a strong influence on foreign policy.

### C. LAW ENFORCEMENT

Another prevalent problem is the enforcement of weapons trafficking, which varies greatly from country to country due to resources, funding, motivation, expertise, organization, jurisdiction and cooperation among law enforcement agencies. As mentioned before, some countries go as far as to sponsor the sale and export of small arms to various violent groups around the globe, including those connected with narcotics trafficking. The law enforcement agencies of lesser-developed countries, such as those in Latin America, do not have the resources or funding with which to adequately combat the problem. Most are not equipped with computers to maintain a database in which to automate information of criminal activity and past criminal records. Monitoring the flow, maintaining control, and accounting of individual weapons is impossible under such conditions. In many cases, local authorities make their arrests and seize the weapons, but no effort is made to trace the origin of the weapons so as to stop future shipments.<sup>164</sup> In some instances, where weapons are confiscated, they are kept or resold by members of the security forces.

Scarce resources also have a detrimental impact on training and on motivation. Oftentimes, law enforcement officers lack the training and skill necessary to conduct sophisticated investigations. Those that

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<sup>164</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 130-143.

do acquire training are so far advanced in relation to their peers that they are often promoted into management positions. It is also extremely hard to motivate a commander, police chief, soldier or policeman to pursue an investigation when his resources are limited and may have to be used for potentially more important reasons. It is even harder to motivate him, if he has to incur out-of-pocket expenses in order to pursue such investigations.

Jurisdictional restraints and the lack of cooperation among law enforcement agencies can also impede the capability to combat the guns-for-drugs trade. Aside from the multitude of federal, state and local law enforcement agencies, there are five federal agencies that are primarily involved in investigating the various aspects of the guns-for-drugs trade: ATF, U.S. Customs, DEA, FBI and the CIA. ATF has primary responsibility for enforcing federal firearms laws, curbing illicit firearms traffic and use, as well as insuring compliance by the industrial sector.<sup>165</sup> ATF developed its International Traffic in Arms Program (ITAR) to "deny access of U.S.-sourced firearms and explosives to international narcotics dealers, terrorists, and criminals abroad."<sup>166</sup> ITAR originated in 1974, but it was not until 1991 that it became part of the International Enforcement Branch.<sup>167</sup>

The other four agencies maintain differing degrees of involvement and responsibility. The U.S. Customs Service is primarily responsible for countering the illegal import/export of weapons in/out of the United States. The DEA is primarily involved in the drugs trafficking aspect, but as mentioned before, ATF agents are often assigned to DEA field offices due to the frequency of encountering illegal weapons in drug trafficking investigations. The FBI often gets involved in circumstances where terrorist organizations,

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<sup>165</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 121-130.

<sup>166</sup> *International Traffic in Arms 1990 Annual Report*, ATF, p. 1.

<sup>167</sup> *Ibid.*, p. 2.

violent gangs and organized crime are implicated.<sup>168</sup> It is the chief federal investigating agency on criminal matters in the United States. The CIA is an agency that pays particular interest to the traffic of firearms and explosives due to its own mission of gathering intelligence on terrorism and political unrest. There have also been moves to increase its role in combatting the drug trade. Although great care is taken to coordinate and cooperate in operations against weapons trafficking whenever possible, jurisdictional confusion does occur.<sup>169</sup>

The large number of law enforcement agencies creates inherent problems with cooperation and coordination.<sup>170</sup> A 1991 ATF report to Congress on the international traffic of arms revealed the following:

Cooperation and coordination between U.S. federal law enforcement agencies is inconsistent at best. At times, interagency cooperation and coordination can be excellent, and at other times they can be nonexistent.<sup>171</sup>

Law Enforcement agencies do not share common intelligence networks, communications systems, or reporting requirements.<sup>172</sup> Competition for greater resources and public recognition result in professional rivalries which compounds the problem of cooperation and coordination (not unlike the atmosphere found

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<sup>168</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 130-143.

<sup>169</sup> Ibid.

<sup>170</sup> *Report to Congress: International Traffic in Arms*, (Bureau of Alcohol, Tobacco and Firearms, Firearms Division, Law Enforcement Branch, 1991), p. 44.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

in the armed services).<sup>173</sup> These same types of problems are found in other countries, especially where the operational and investigative jurisdictions between the military and police are not well established.

The primary problem that U.S. law enforcement agencies face is that they do not have international jurisdiction and cannot pursue operations/investigations in other countries unless they receive the cooperation of that country. The DEA has been the only agency with established offices in many of the Latin American countries. Until recently, ATF has not had offices overseas. This makes it extremely difficult to monitor the illegal traffic of small arms past U.S. borders.

There are no international law enforcement agencies with the responsibility of tracking and countering the illegal weapons trade. As a result, it is left up to the individual law enforcement agency of each country to enforce applicable laws. Because laws vary greatly from country to country, cooperation and coordination between law enforcement agencies of different countries is made that much more difficult.

If cooperation and coordination between law enforcement agencies within the same country is considered inconsistent, then that between law enforcement agencies of different countries is far worse. Many times information is simply not shared, and during times it is shared, there are problems with misinterpretation of the intelligence either due to language barriers or due to the lack of expertise.<sup>174</sup> Oftentimes, weapons confiscated by Latin American law enforcement officers during drug-related activity are misidentified, either wrongly categorized or described.<sup>175</sup> According to John Killorin, Chief of Public Affairs for ATF, traces are sometimes not completed because an untrained foreign law enforcement officer will confuse a part production number with that of the weapons serial number.<sup>176</sup> The part number

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<sup>173</sup> Ibid.

<sup>174</sup> Interview John C. Killorin, Chief of Public Affairs, ATF, 26 September 1991.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

identifies the part of the weapon, but does not provide information needed for tracing. There are also times where lack of motivation or emphasis allows useful information to slip through the cracks.

The International Criminal Police Organization (INTERPOL) is the only agency that can even be considered an international law enforcement agency. It consists of 136 member nations and is designed primarily to share, request and coordinate information about crimes and suspects around the world.<sup>177</sup> Interpol is sometimes used to query source nations about firearms manufactured and/or exported from that country. The problem, however, is that Interpol's involvement in other criminal investigations takes priority over weapons trafficking. According to ATF agent, Jess B. Guy, Interpol is not a reliable or time-efficient means for countering the illegal traffic of small arms. On a scale of 1 to 10 with "10" being the highest, Guy rated Interpol's effectiveness as a "1".<sup>178</sup> Guy related that it is often the initiative of agents in the field offices that contact and coordinate with their counterparts in other countries that proves most productive. Weapons and narcotics traffickers have a definite advantage, because, unlike law enforcement agencies, they are not restricted by legal jurisdiction or national boundaries.

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<sup>177</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp.121-130.

<sup>178</sup> Interview with Jess Guy, ATF.

## VII. OPTIONS FOR COUNTERING THE GUNS-FOR-DRUGS TRADE

The guns-for-drugs trade between the United States and Latin America is only one front of a worldwide problem. It is a problem that, up until the late 1980s, had been neglected by the United States. It took sharp increases in U.S. drug-related violence and the voicing of urgent concerns by Latin American countries to garner the attention of U.S. authorities. The problem became more evident when law enforcement agencies on both sides were being confronted by drug trafficking groups possessing greater firepower.

Because it was not considered a serious problem, past strategies in countering the guns-for-drugs trade were virtually nonexistent. Those that did exist relied heavily on interdicting weapons shipments at the U.S. border or before they left U.S. ports. This method has proven inefficient since only a very small percentage of U.S. exports are ever inspected, largely due to lack of manpower.<sup>179</sup> Domestic strategies have relied heavily on overburdened law enforcement and on laws which are not stringent enough to be effective.

Because it is tied directly to the narcotics trade, some of the options available for countering the guns-for-drugs trade will be similar and/or related to those available in countering the drug trade. On the other hand, the uniqueness of the guns-for-drugs trade allows room for distinct, innovative options with greater chances for success. With the multitude of variables involved in the guns-for-drugs trade, the United States can select from a wide array of options from which it can develop new strategies or modify those used in the past. These options may include some of the following: greater cooperation between governments, greater cooperation among law enforcement agencies (both foreign and domestic), stricter laws and regulations as well as stiffer penalties, increased interdiction efforts, or ignoring the problem altogether and considering it as strictly a Latin American problem.

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<sup>179</sup> *Report to Congress: International Traffic in Arms*, ATF, pp.32 and 145.

## A. BENIGN NEGLECT

The U.S. government could continue its past lackadaisical attitude towards the guns-for-drug trade, considering it less than significant. The United States could also heave the responsibility of dealing with the implications of the guns-for-drugs trade on Latin American countries, considering it a Latin American problem. By doing this, it could avoid many of the same headaches which have been incurred by U.S. policy makers dealing with Latin American countries on issues of the drug trade, headaches which stem from underlying themes such as sovereignty, U.S. intervention, accusations of imperialism and alleged U.S. overbearing. The United States could also use the funds raised or diverted to stemming the illegal traffic of arms destined for Latin America to instead counter the flow of drugs into the United States.

Although benign neglect is the simplest and least expensive option, it can have dangerous foreign policy implications as evidenced by recent events in Trinidad and Tobago. Muslim extremists took hostage the Prime Minister and most of his cabinet after blowing up police headquarters in an attempted coup.<sup>180</sup> After a week long siege, the coup collapsed. Authorities seized 135 weapons, of which 105 had been traced to a South Florida man who had purchased them from gun stores and gun shows.<sup>181</sup> Although it is not yet known how the group paid for the weapons or whether there was some type of connection to drug trafficking, the case does illustrate the powerful implications that the illegal trafficking of weapons from the U.S. has on Latin America. Latin American countries continually voice their concerns over this problem.

It is irrational to consider the drug-related trafficking of arms as solely a Latin American problem. This problem flourishes in the United States as evidenced by the dramatic increase in violent crimes largely

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<sup>180</sup> Larry Rohter, "From Brazil to Peru Gun Smugglers Flock to Florida," *The New York Times*, 11 August 1991.

<sup>181</sup> *Ibid.*

attributed to the drug trade and the increased availability of firearms.<sup>182</sup> By treating the problem as though it were insignificant, the United States fails to acknowledge the fact that weapons are the tools that allow drug-related organizations to develop their powers of terror and intimidation. As these powers develop, so does their overall strength, until they are able to openly challenge the authorities. Also, as these groups get stronger, their ability to traffic drugs also improves.

Politically, it will be extremely hard to pressure Latin American countries to step up efforts in combatting the drug trade if the United States continues to ignore the illegal traffic of weapons to Latin America. Continued negligence could also open the United States to charges of hypocrisy and could conceivably erode or hinder cooperative efforts in countering the drug trade.

## **B. INTERDICTION EFFORTS**

A second option for combatting the guns-for-drugs trade is that of increasing interdiction efforts. There is room for bolstering certain aspects of the interdiction effort against the traffic of weapons out of U.S. ports and borders. There are approximately 5,800 customs inspectors throughout the United States.<sup>183</sup> The vast majority of these 5,800 inspectors concentrate their efforts on shipments coming into the United States.<sup>184</sup> In spite of their efforts, only 3% of all incoming shipments are inspected.<sup>185</sup> In contrast, only 104 inspectors are assigned full-time to outbound inspections of vessels, aircraft, cargo and passengers.<sup>186</sup> These outbound inspections are not Latin American-specific nor are they exclusively targeted against

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<sup>182</sup> Scott Armstrong, "Murder Rate Is Rising in the U.S.," *The Christian Science Monitor*, 18 December 1990, p. 1.

<sup>183</sup> John Dillin, "Cracking Down on Cargo Shippers," *The Christian Science Monitor*, 30 October 1989.

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*

<sup>186</sup> *Report to Congress: International Traffic in Arms*, ATF, p. 32.

weapons. The inspections are conducted on exports destined to a multitude of worldwide destinations. The primary mission of these inspectors is to stem the flow of all illegal exports of U.S. strategic technology as well as munitions.<sup>187</sup> If the 5,800 inspectors are only able to inspect 3% of all incoming shipments, it can be assumed that 104 inspectors responsible for all outbound inspections will not fare any better. Increased numbers of inspectors could feasibly bolster interdiction efforts. These inspectors could also be augmented by National Guard troops. At the present time, National Guardsmen are being utilized to augment U.S. Customs in the inspection of inbound shipments.<sup>188</sup> This same concept could be applied to aid those inspectors responsible for outbound shipments. The National Guard could supply valuable manpower.

Although increasing efforts to bolster inspections could prove to be helpful, it is unlikely to result in much more than a small dent in the problem. Smugglers will continue to smuggle weapons across the borders by foot, vehicle, aircraft and ships. The vast majority of cargo coming into and leaving the United States will continue to go unchecked.

Interdiction efforts could also include increasing the number of ATF agents within the United States and concentrating on operations designed to interdict illegal weapons from U.S. streets. More agents could be concentrated in areas where drug-related violence and arms trafficking are prevalent, such as Miami and Houston.<sup>189</sup> "Buy-bust" operations could help decrease the number of illegal firearms circulating in the grey and black markets, especially in the inner cities. In buy-bust operations, agents target alleged weapons traffickers by covertly portraying themselves as willing buyers. Unless the subject can provide leads to

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<sup>187</sup> Ibid.

<sup>188</sup> John Dillin, "Cracking Down on Cargo Shippers," *The Christian Science Monitor*, 30 October 1989.

<sup>189</sup> Larry Rohter, "From Brazil to Peru Gun Smugglers Flock to Florida," *The New York Times*, 11 August 1991.

bigger traffickers, the subject is usually arrested after the purchase has been made.<sup>190</sup> This could benefit Latin American countries in the long run by reducing the overall supply of firearms. This approach does have some drawbacks. It requires an increase in personnel and operations, both of which are costly in terms of funds and resources. Latin American countries may also view this as an introverted strategy not directly addressing their concerns.

U.S. interdiction efforts in the drug war have always been questioned as to their effectiveness, and recent efforts have come under strong criticism. According to a report by the Interamerican Commission on Drug Policy operating out of the Institute of the Americas, the United States wastes \$1 billion a year to halt the flow of drugs.<sup>191</sup> The 11 June 1991 report focused its criticism on interdiction efforts, advising that U.S. anti-drug strategies channeled too many resources on interdiction which was considered an inefficient method of combatting the drug trade. Because interdiction efforts in the drug war have received such criticism, it is unlikely that interdiction efforts focused on stemming the flow of weapons out of the country will fare any better.

### **C. STRICTER LAWS, REGULATIONS AND PENALTIES**

The most rational and cost effective option for fighting the guns-for-drugs trade within the United States would be to enact tougher laws dealing with possession, sales and transfer of weapons, especially those favored by violent drug-related organizations. These same laws could also aid in stemming the flow of weapons destined for Latin America. These laws could have a significant impact by making it more difficult for criminal elements to obtain or traffic in small arms.<sup>192</sup> Such laws could include but are not limited to the following:

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<sup>190</sup> Interview with Jess B. Guy, ATF.

<sup>191</sup> John Dillin, "U.S. Wasting Funds in Drug Effort," *The Christian Science Monitor*, 12 June 1991.

<sup>192</sup> Interview of John C. Killorin, ATF.

- Mandatory background checks on individuals purchasing handguns, semi-automatic rifles and shotguns with barrels of 23 inches or shorter and a carrying capacity of more than 6 shells. Efforts are already underway to develop an automated system to conduct background checks.
- Registering and centralizing firearms sales records as is done with automobiles. This would give law enforcement an advantage by alerting it to questionable firearms sales and would make it easier to trace weapons found while investigating drug-related or general criminal activity.<sup>193</sup>
- Outlawing the sale and/or transfer of small arms between private parties. In California, the sale of a weapon between private parties must be accomplished through a licensed dealer. This practice is designed to help eliminate some of the weapons obtained through the grey and black markets.<sup>194</sup>
- Stiffer penalties for those involved in the illegal traffic of firearms. Increasing prison sentences to parallel those given to drug traffickers, could deter those who are presently willing to risk the light penalties given for weapons trafficking violations. Those that it did not deter, would be kept in jails and off the streets. Recent legislation has stiffened penalties for those convicted of carrying a firearm during and in relation to a narcotics trafficking crime.<sup>195</sup>

These seem to be the most viable solutions to a complicated problem. Stiffer penalties for weapons trafficking could be enacted with relative ease, but as previous sections conclude, any attempts at stricter gun control will meet staunch opposition. It is unlikely that the resulting legislation will have enough strength to significantly affect the guns-for-drugs trade.

#### **D. INTERGOVERNMENTAL COOPERATION**

Any successful strategy against the guns-for-drugs trade must include stronger intergovernmental cooperation through bilateral or multilateral agreements. This should not only include the United States and Latin America, but it should also involve Western Europe, Eastern Europe, Israel and other countries caught

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<sup>193</sup> Interview with Jess B. Guy, ATF.

<sup>194</sup> Information on California gun laws was obtained from ATF agent Jess B. Guy and Jack Turner, clerk, at the Ft. Ord Shooting Center, Ft. Ord Army Base, California.

<sup>195</sup> *Report to Congress: International Traffic in Arms*, ATF, p. 32.

up in the guns-for drugs trade. These agreements should target legislative and administrative procedures to ensure effective controls of the production, purchase, sale and distribution of firearms and explosives, and should develop actions aimed at preventing the weapons from being diverted towards illicit activities.<sup>196</sup> These agreements should also address justly punishing those individuals illegally trafficking weapons or providing training to criminal organizations in other countries. This could help deter individuals such as the British, South African and Israeli mercenaries and merchants mentioned in previous sections.

The development of extradition agreements for arms and narcotics traffickers could provide a useful tool for dealing with the guns-for-drugs trade. The extradition of arms traffickers is important because firearms and explosive smugglers often leave the United States for foreign countries to avoid prosecution.<sup>197</sup> An extradition treaty already exists with Jamaica.<sup>198</sup> Extradition was utilized against the drug cartels in Colombia, and it proved to be quite successful. Although only a few were extradited to the United States, it intimidated and instilled fear in cartel members. It resulted in many of the most prominent members turning themselves in to their own government for guarantees not to be extradited to the United States.

Those countries that refuse to participate in cooperative efforts should be politically pressured by those countries concerned with the guns-for-drugs trade. Although some progress has been made in such meetings as the Andean Summit in Cartagena and the April 1990 Ministerial meeting of the Organization of American States (OAS), there is still much room for needed improvement.<sup>199</sup>

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<sup>196</sup> Ibid.

<sup>197</sup> *Report to Congress: International Traffic in Arms*, ATF, p. 20.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

## E. COOPERATION AND AID AMONG LAW ENFORCEMENT AGENCIES

To become more effective in combatting the guns-for-drugs trade, more emphasis could be put on coordination and cooperation between both domestic and foreign law enforcement agencies. In the domestic arena, cooperation, coordination and effectiveness have been dramatically improved by organizing elements of various agencies into a cohesive force called a task force.<sup>200</sup> Operation Alliance, the El Paso Intelligence Center (Epic), the Organized Crime Drug Enforcement Task Force (OCDETF) and the Financial Crimes Enforcement Network are all examples of effective intelligence and operational task forces designed to halt the flow of drugs, weapons and other contraband across U.S. borders.<sup>201</sup> This same type of concept could be applied overseas with the United States providing much of the needed resources and funding.

Other steps towards cooperative efforts include agreements that have been reached between the DEA and ATF in coordinating and facilitating the exchange of trace information obtained from firearms seized in foreign countries by host nation authorities.<sup>202</sup> This is especially important, because the DEA is the only agency that has established offices in virtually all the Latin American countries. Because of its anti-narcotics mission, the DEA is usually the first agency to receive information on firearms seized by host government authorities.<sup>203</sup> However, the tracing of weapons is a unique function of ATF. It enables ATF to determine the origin and identification of firearms and explosives, whether they are domestic, foreign, commercial, or military.<sup>204</sup> Timely and accurate descriptions are most important to identifying the sources

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<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid., p. 53.

<sup>203</sup> Interview with Jess B. Guy, ATF.

<sup>204</sup> *Report to Congress: International Traffic in Arms*, ATF, p. 25.

and methods of trafficking.<sup>205</sup> ATF, DEA and foreign law enforcement can all benefit from the information developed through cooperation. Unlike drugs, weapons and explosives are traceable. Weapons leave a trail that can be traced to their original point of origin, providing leads to both arms and weapons traffickers.

Yet, other types of cooperation include training and direct aid. By providing training, the U.S. could bolster the expertise of foreign law enforcement agencies, making them more effective and easier to work with. Through the Antiterrorist Assistance Program, sponsored by the U.S. Department of State's Office of Diplomatic Security Service, ATF in conjunction with other federal agencies has provided anti-terrorism training to many Latin American countries, especially those in the Andean region.<sup>206</sup> This training has included ways of impacting the availability of firearms to violent drug-related groups.<sup>207</sup> Cooperation fostered through seminars and training programs has assisted in the identification of patterns of arms smuggling activity from the United States to these countries.<sup>208</sup> It is also important to note that ATF has recently standardized a reporting format for use by INTERPOL. ATF is also helping INTERPOL in establishing an automated system to help investigate and monitor weapons trafficking.

In conjunction with training, the United States could increase direct aid by providing skilled and experienced personnel. Just as the United States sent DEA agents to Latin American countries to fight the drug trade, the United States could send ATF agents to aid in the fight against weapons trafficking. Under the sponsorship of its International Traffic in Arms Program (ITAR), ATF has had a great deal of success by sending agents on temporary duty to other countries to help identify weapons, traffickers, smuggling

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<sup>205</sup> Interview John C. Killorin, ATF.

<sup>206</sup> *Report to Congress: International Traffic in Arms*, ATF, pp. 54-55.

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

techniques, routes and general trends. In fact, it has been so successful that ATF is in the process of establishing permanent offices in Colombia, Mexico and possibly other countries such as Jamaica, where the guns-for-drugs trade is active.<sup>209</sup> This approach could help restore Latin American confidence in the U.S. commitment to fighting the guns-for-drugs trade.

Cooperation among domestic and international law enforcement agencies is vital in combatting the guns-for-drugs trade. It is imperative that this increased cooperation facilitate the sharing of intelligence information. The efficiency of all those involved should be enhanced with increased cooperation.

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<sup>209</sup> Interview of John C. Killorin, ATF.

## VIII. PROSPECTS FOR THE FUTURE

The future of the guns for drugs trade is tied directly to the future of the narcotics trade. As the profitability of the drug trade increases and the growing number of competing organizations vie for bigger shares of the market, they will require greater quantities of sophisticated small arms to protect their interests.

Weapons will continue to be smuggled throughout the world, especially in Latin America and the United States, where demand seems to grow. Small wars, insurgencies, criminal syndicates and terrorist organizations will continue to provide a market that suppliers will exploit.<sup>210</sup> Curbing the traffic of weapons will be extremely difficult, because traffickers are willing to take the low risks in order to make large profits. Some countries will look for sources of hard currency, attempt to maintain their military industrial complexes, and/or use the transfer of small arms shipments as a way to pursue their political agendas.

For Latin America, the implications are serious. The stability of several countries is threatened by the guns-for-drugs trade. Drug-related organizations and insurgent groups use the guns-for-drugs trade as a source of needed firepower. As their firepower grows, so does their ability to openly challenge authority. In both Latin America and the United States, law enforcement often finds itself out-gunned. The same organizations that the United States and Latin America attempt to thwart in the drug trade are the ones that benefit the most from the trafficking of firearms. Doing little or nothing could imply to Latin American countries that the United States is not serious about addressing problems relating to the drug trade.

The United States must seek solutions that address both Latin American and U.S. concerns. It can not afford to ignore the problem, because it is not solely a Latin American problem. Drug-related violence

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<sup>210</sup> Peter C. Unsinger and Harry W. More, *The International Legal and Illegal Trafficking of Arms*, pp. 130-143.

has increased significantly in the United States, and the rise in violent deaths is being attributed to drugs and the proliferation of more sophisticated firearms.

Combatting the problem inside the United States has been problematic because of lax federal gun control laws and unequal state laws. Individuals simply travel to states with lax gun control laws to obtain firearms. Due to the political aversion towards gun control, it is unlikely that gun control laws will become stringent enough to impede the trafficking of firearms. On the international level, laws and agreements are either nonexistent or are not enforced.

In order to confront the guns-for-drugs trade, the United States must draw on lessons that have been learned while combatting the drug trade. Interdiction efforts in the drug wars have been costly and have achieved limited results. However, because firearms are traceable, law enforcement should have a greater impact on weapons trafficking than it does in the drug trade. Investigative leads established in weapons trafficking cases should also help in identifying and countering drug traffickers. Increasing the numbers of customs inspectors and domestic law enforcement officers could help stem the flow of firearms, but it is unlikely that any unilateral action by the United States will do much to impede the international trade of guns for drugs. International cooperation among governments and law enforcement agencies will be crucial to any strategy that is developed.

Due to the enormous domestic and international supply of small arms already in circulation, it is unlikely that the implementation of any of these strategies will provide immediate results. However, pragmatic efforts must be undertaken in a timely manner to stem the growing violence sweeping across the United States and Latin America, a violence which is directly attributed to the relationship between guns and drugs. Little attention has been paid to this phenomenon, but as the frequency of violence increases and the ages of the victims and perpetrators gets younger and younger, Americans are beginning to realize that this is a serious problem that needs to be confronted.

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